Supreme Court, U. S.
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APPENDIX—VOLUME I.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975.

No. 75-616

METROPOLITAN HOUSING DEVELOPMENT CORPORATION, ET AL.,
Respondents,

vs.

THE VILLAGE OF ARLINGTON HEIGHTS, ET AL.,
Petitioners.

NORTHWEST OPPORTUNITY CENTER AND ELUTERIA D. MALDONADO,
Intervening Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Gunthorp-Warren Printing Company, Chicago • Financial 6-6565

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APPENDIX.

IN THE UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division, No. 72 C 1453.

RELEVANT DOCKET ENTRIES.

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Order Motion of Northwest Opportunity Center, Inc. and Eluteria D. Maldonado for Leave to Intervene as Party Plaintiffs Granted [entered] .....October 4, 1972

Defendants' Answer to Complaint of Original Plaintiffs [filed] .....October 24, 1972

Defendants' Answer to Complaint of Intervening Plaintiffs [filed] .....November 1, 1972

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Appellees petition for rehearing en banc filed. . . . June 19, 1975

Letter sent by Clerk requesting answer to appellees petition for rehearing . . . . . June 23, 1975

Appellants Answer to Petition for Rehearing en banc filed . . . . . July 3, 1975

Order entered Denying Petition for Rehearing en banc. . . . . August 13, 1975

Appellees Motion for Stay of Mandate pending Application for Writ of Certiorari filed . . . . . August 20, 1975

Appellants answer in opposition to Motion for Stay of Mandate filed . . . . . August 22, 1975

Order Staying Mandate to and including September 30, 1975 entered . . . . . September 11, 1975

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Order entered Staying Mandate for a period of 15 days pursuant to Rule 41(b) . . . . . October 2, 1975

Mandate Issued . . . . . October 29, 1975

Filed Notice of Filing Petition for Certiorari from Supreme Court, 75-616 . . . . . October 30, 1975

File Receipt for Mandate and Record from District Court . . . . . November 11, 1975

IN THE UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

METROPOLITAN HOUSING DEVELOPMENT CORPORATION, an Illinois not-for-profit corporation, and

ISAAC GREENWOOD, ARTHUR GUTHRIE, and WILLIE RANSOM, on their own behalf and on behalf of all others similarly situated,

Plaintiffs,

vs.

THE VILLAGE OF ARLINGTON HEICHTS, a municipal corporation,

RALPH CLARBOUR, ALICE HARMS, FRANK PALMATIER, JAMES RYAN, THEODORE SALINSKY, and DWIGHT WALTON, in their official capacity as Trustees of the Village of Arlington Heights,

JOHN WOODS, in his official capacity as Mayor of the Village of Arlington Heights,

L. A. HANSON, in his official capacity as Village Manager of the Village of Arlington Heights,

MARTIN MUNSEN, in his official capacity as Director of Buildings and Zoning of the Village of Arlington Heights,

Defendants.

Civil Action
No.

COMPLAINT.

I. *Nature of Action.*

1. This is a suburban zoning case in which some of the Plaintiffs allege that their civil rights under the statutes and

the Constitutions of the United States and of the State of Illinois have been violated by the Village of Arlington Heights, Illinois, and others allege that their property rights guaranteed by the Constitutions of the United States and the State of Illinois have similarly been violated. This suit is occasioned by the refusal of the Village Board of Trustees of the Village of Arlington Heights to rezone property in order to permit the construction of a housing development which would contain federally-assisted low and moderate income housing units.

2. Plaintiffs are (a) Black persons who presently work in Arlington Heights and cannot find decent housing in Arlington Heights at a price they can afford to pay, and qualify for and seek housing of the type proposed to be built and (b) the obligor under a contract to purchase the property, which has as its corporate purpose the development of low and moderate income housing for persons of all races. The individual plaintiffs and the contract-obligor allege that the refusal of the Village of Arlington Heights to rezone the subject property violates the Fourteenth Amendment of the United States Constitution, the Civil Rights Act of 1866 (42 U. S. C. §§ 1981, 1982), the Civil Rights Act of 1871 (42 U. S. C. § 1983), the Fair Housing Act of 1968 (42 U. S. C. §§ 3601 *et seq.*), and Article I, section 2 of the Illinois Constitution and 24 Ill. Rev. Stat. § 11-13 *et seq*. The contract-obligor alleges that this action by the Village of Arlington Heights violates its rights to use property in which it has an interest in a reasonable fashion without unreasonable, arbitrary, and capricious regulations by the state, as guaranteed by the Fourteenth Amendment of the United States Constitution and by Article I, section 2 of the Illinois Constitution.

3. The relief sought is a declaratory judgment invalidating the zoning ordinance as applied to the subject property and an injunction restraining the Defendants from interfering with the development as proposed by Metropolitan Housing Development Corporation.

II. *Jurisdiction.*

4. The jurisdiction of this Court is invoked pursuant to 28 U. S. C. § 1331 and to 28 U. S. C. § 1343(3) and (4), in conjunction with the Fourteenth Amendment of the United States Constitution and the Civil Rights Act of 1866 (42 U. S. C. §§ 1981, 1982), and Civil Rights Act of 1871 (42 U. S. C. § 1983), and the Fair Housing Act of 1968 (42 U. S. C. § 3601 *et seq.*). The amount in controversy, exclusive of interest and costs, exceeds $10,000.

5. This is an action for declaratory relief under 28 U. S. C. §§ 2201 and 2202 and jurisdiction is also invoked pursuant thereto.

6. With respect to claims arising in whole or in part under the Constitution or statutes of the State of Illinois, Plaintiffs invoke the pendent jurisdiction of this Court.

III. *Parties Plaintiff.*

7. Metropolitan Housing Development Corporation ("MHDC") is a not-for-profit corporation organized under the laws of the State of Illinois, with corporate offices at 155 North Wacker, Chicago, Illinois. MHDC was formed in 1968 by The Leadership Council for Metropolitan Open Communities, an Illinois not-for-profit corporation dedicated to the goal of equal housing opportunities for minorities, for the purpose of developing low and moderate income housing in the Chicago metropolitan area. Its Board of Directors consists of Black, White and Spanish-speaking representatives of industry, government, civic organizations, and the professions from Chicago and its suburbs. MHDC received grants from the State of Illinois for operational and developmental purposes.

8. Plaintiffs Isaac Greenwood, Arthur Guthrie and Willie Ransom are minority group persons who work in Arlington Heights but cannot find decent housing in Arlington Heights at

a price they can afford to pay. They live in overcrowded and substandard housing outside Arlington Heights.

More particularly:

a. Isaac Greenwood, a Black, is employed at Honeywell, Inc. in Arlington Heights. He lives with his wife and three children in an apartment on the South Side of Chicago, in a segregated area with buildings having building code violations. There is no public transportation between his home and his job and he therefore drives the long distance daily, a time-consuming trip involving excessive expense. The Greenwoods have been looking for, but have been unable to find, decent housing at a price they could afford in the vicinity of Mr. Greenwood's job. The Greenwoods seek, and are eligible for, housing of the type Plaintiff MHDC seeks to build in Arlington Heights.

b. Arthur Guthrie, a Black, is employed at Honeywell, Inc. in Arlington Heights. He lives with his wife and two sons in an apartment on the South Side of Chicago, in a segregated area with buildings having building code violations. There is no public transportation between his home and his job and he therefore drives the long distance daily, a time-consuming trip involving excessive expense. The Guthries have been looking for, but have been unable to find, decent housing at a price they could afford in the vicinity of Mr. Guthrie's job. The Guthries seek, and are eligible for, housing of the type Plaintiff MHDC seeks to build in Arlington Heights.

c. Plaintiff Willie Ransom, a Black, is employed at Honeywell, Inc. in Arlington Heights. He is divorced and lives with his minor son in an apartment in Evanston, in a segregated area with buildings having building code violations. There is no public transportation between his home and his job and he therefore drives the long distance daily, a time-consuming trip involving excessive expense. Plaintiff Ransom has sought, but has been unable to locate, adequate housing for himself and his son in the vicinity of his job. Plaintiff Ransom seeks and would

qualify for, the housing which Plaintiff MHDC seek to build in Arlington Heights. Plaintiffs Greenwood, Guthrie and Ransom bring this action under Rule 23(a) and 23(b) (2) and (3) of the Federal Rules of Civil Procedure on their own behalf and on the behalf of others similarly situated; namely, Chicago area low and moderate income minority-group members who work or desire to work in Arlington Heights but cannot find decent housing in Arlington Heights at rents they can afford. The members of the class on behalf of whom Plaintiffs Greenwood, Guthrie and Ransom sue are so numerous that joinder of all members is impractical; there are questions of law and fact common to the class; the claims of Plaintiffs Greenwood, Guthrie and Ransom are typical of the claims of the class; and Plaintiffs Greenwood, Guthrie and Ransom will fairly and adequately protect the interests of the class. The Defendants have acted or refused to act on grounds generally applicable to the class, thus making appropriate final injunctive relief with respect to the class as a whole; and questions of law and fact common to members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of this suit.

IV. *Parties Defendant.*

9. The Village of Arlington Heights (the "Village") is a municipal corporation established under the laws of the State of Illinois.

10. Ralph Clarbour, Alice Harms, Frank Palmatier, James Ryan, Theodore Salinsky, and Dwight Walton are the members of the Village Board of Trustees (the "Trustees"). They are sued in their official capacity.

11. John Woods is the Mayor of the Village. He is sued in his official capacity.

12. L. A. Hanson is the Village Manager. He is sued in his official capacity.

13. Martin Munsen is the Director of Building and Zoning of the Village. He is sued in his official capacity.

V. *Events Leading to the Filing of This Lawsuit.*

14. The Clerics of St. Viator is a Catholic religious order formed in 1890. It is the owner in fee of an eighty-acre parcel located in the Village of Arlington Heights, bounded on the north by Oakton Street, on the west by Dryden Place, on the south by Euclid Avenue and on the east by the back property line of homes fronting on Drury Lane.

15. On November 7, 1970 the Clerics entered into a ninety-nine year lease and an accompanying agreement to sell to MHDC a vacant parcel (the "subject property") of fifteen acres (643,400 square feet) in the southeast corner of the Clerics' property. The subject property is legally described as follows:

> That part of the East half of the Southeast quarter of the Northeast quarter of Section 29, Township 42 North, Range 11, East of the Third Principal Meridian, bounded and described as follows: Beginning at a point on the East line of said Southeast quarter of the Northeast quarter, 40 feet North of the Southeast corner thereof, thence West on North line of South 40.0 feet of said East half of Southeast quarter of Northeast quarter, a distance of 607.99 feet to the East line of the West 50.0 feet of said East half of the Southeast quarter of the Northeast quarter; thence North on said East line of West 50.0 feet of the East half of the Southeast quarter of the Northeast quarter, a distance of 424.0 feet; thence east at right angles to last described course, a distance of 140 feet; thence Northeasterly on a line forming an angle of 59 degrees 30 minutes 00 seconds to the left from the prolongation of the last described course, a distance of 190.0 feet; thence Northwesterly at right angles to the last described course, a distance of 274.41 feet to said East line of West 50.0 feet of East half of the Southeast quarter of the Northeast quarter; thence North on said East line of West 50.0 feet of East half of the Southeast quarter of the Northeast quarter, a distance of 424.44 feet to the South line

of the North 131.03 feet of said East half of the Southeast quarter of the Northeast quarter; thence East on said South line of North 131.03 feet of the East half of the Southeast quarter of the Northeast quarter, a distance of 609.18 feet to the East line of said Southeast quarter of the Northeast quarter; thence South on said East line of the Southeast quarter of the Northeast quarter, a distance of 1151.21 feet, more or less, to the place of beginning, all in Cook County, Illinois.

16. The subject property abuts Viatorian property to the north and west, a heavily travelled road to the south, and single-family homes to the east. The Viatorian property to the north contains St. Viator High School, recreation fields and a nursery. The Viatorian property immediately to the west includes the Viatorian novitiate, a three-story hotel-like structure containing communal living facilities and a Montessori school.

17. The subject property, like the remainder of the Viatorian parcel, is presently zoned R3, which would require the property to be developed with single family detached residences with a maximum density of five units to the acre; under R3 zoning, approximately 60 single-family detached residences could be built on the subject property.

18. Plaintiff MHDC proposes to build on the subject property a planned unit development of 190 single family attached homes (the "proposed development") under the R5 multi-family zoning classification. The proposed development will be built for low and moderate income families and individuals with subsidies available under § 236 of the National Housing Act of 1968. It will consist of clusters of single-family units, all of which are two-stories or less in height and have separate private entrance ways and private patios. There will be 100 one-bedroom units (most of which will be for the elderly housing market), 48 two-bedroom units, 30 three-bedroom units, and 12 four-bedroom units. Buildings will cover only 11.89% of the subject property, and 61.96% of the subject property will be landscaped open spaces, including parks and play areas.

The mature trees along Euclid Avenue are to be retained, and additional trees and bushes are to be planted, including bushes along the east side of the property to provide a buffer between the proposed development and the homes to the East.

19. The proposed development meets all the requirements of section 236 of the National Housing Act of 1968. The development is planned predominantly for moderate income families, but will also include units to be rented at market and low income units under available federal programs. Plaintiff MHDC will seek to implement vigorously the affirmative marketing requirements of the Department of Housing and Urban Development and therefore expects that the development will be racially integrated.

20. MHDC has expended in excess of $35,000 developing its proposal and preparing for hearings before the Arlington Heights Plan Commission and the Arlington Heights Trustees.

21. On January 29, 1971, MHDC petitioned the Village of Arlington Heights to rezone the subject property from R3 to R5. The proposed development meets all the requirements of the R5 zoning classification, a classification for multi-family units, as well as requirements of all other village codes.

22. Prior to the filing of that petition MHDC consulted with the Village staff for preliminary review of the proposed development prior to public hearing. In every instance in which changes were suggested by the staff, including changes in layout to make the area more accessible to fire engines, in garbage disposal areas and in drainage, the changes were incorporated into the MHDC plans.

23. On March 3, 1971, April 21, 1971 and June 16, 1971, public hearings were held by the Arlington Heights Plan Commission.

24. MHDC attempted to answer every objection to the plans raised by the Plan Commission members. In response to

the suggestion that MHDC might "desert" the development, the MHDC Board of Directors on May 13, 1971 passed a resolution in which MHDC voted to retain permanent and complete authority over the proposed development. In response to concern that the development may be inadequately managed and maintained, MHDC secured from leading real estate management firms which service Arlington Heights letters indicating that they would be very interested in managing the development. In addition, MHDC on May 13, 1971 by resolution declared its willingness to create a Citizens Advisory Board, to be selected by the Mayor of the Village, which would work with MHDC in the planning and management of the proposed development.

25. The Chairman of the Plan Commission read into the record reports of the Fire Chief, the Building Commissioner, the Director of Public Works, and the Acting Director of Engineering. All but one of the reports (that on water run-off) contained no mention of any problems. The report on water run-off suggested certain changes which MHDC then incorporated in its plans for the proposed development.

26. Nevertheless, on June 16, 1971 the Plan Commission voted 7 to 2 to recommend to the Village Board of Trustees that it reject MHDC's rezoning petition.

27. On September 28, 1971, the Village Board of Trustees heard presentations before voting 6 to 1 to deny MHDC's rezoning petition.

28. In response to suggestions made shortly after the petition was denied indicating that Arlington Heights recognized the need for low and moderate income housing and would cooperate in considering other sites, MHDC made an extensive study of available sites within the Village, but found no other sites which were appropriate for a low and moderate income development and which could be purchased at a price within the maximum allowable land cost for a Section 236 development.

29. On March 27, 1972 the Village Board of Trustees approved the report of the Joint Study Committee on Low-Moderate Income Housing which recognized the need for low and moderate income housing in Arlington Heights and recommended the development of 150 to 250 units of moderate income housing and 50 units of low income housing in Arlington Heights within the next two years. However, the Village Board subsequently failed to pass an enabling ordinance and no further action has been taken. The proposed development conforms with the principles governing the planning for low and moderate income housing contained in the above report.

VI. *The Civil Rights Context.*

30. The failure of the Village of Arlington Heights to rezone the subject property from an R3 single-family classification to an R5 multiple-family classification is racially discriminatory in that it prevents low and moderate income minority group members, who make up a substantial portion of the low and moderate income population of the Chicago area, from moving from areas of minority concentration to a white area, thereby denying them the opportunity to live in a decent integrated environment and perpetuating residential segregation in the Chicago area.

31. Arlington Heights is one part of the rapidly expanding white suburban Chicago area which is witnessing the development of most of the new employment facilities and housing in the Chicago area. Arlington Heights had a population in 1970 of 64,884, more than twice its 1960 population of 27,878 and more than seven times its 1950 population of 8,768. The black population of Arlington Heights was 1 in 1950, 4 in 1960, and 27 in 1970. In addition to the growth in its population, the Village has also annexed substantial adjacent territory in recent years.

32. The Centex Industrial Park was developed in the vicinity of Arlington Heights and contributes substantial amounts in

taxes to High School District No. 214 serving Arlington Heights. A number of industries have also built plants within the Village limits of Arlington Heights, among them Honeywell, Inc. These plants employ blue collar forces including substantial numbers of minority group employees.

33. Minority group employees have been unable to find decent housing in Arlington Heights, and must, therefore, commute long distances to their jobs in Arlington Heights. These workers subsidize residents of the Village by coming in the morning to man tax-producing properties of the Village but must leave at night because the Village does not permit housing for them.

34. Because of the difficulty, time and expense of commuting from ghetto areas to Arlington Heights, many minority group members are effectively discouraged from seeking employment in Arlington Heights and The Centex Industrial Park.

35. At the same time that white suburbs have become increasingly prosperous with the rapid increase in their tax bases as industry has moved to the suburbs, minority group members who work or desire to work in Arlington Heights have been confined to areas where the loss of an adequate tax base has meant deterioration of schools and municipal services.

36. There is a desperate need for decent housing for those who work or desire to work in Arlington Heights but cannot afford the housing presently available in the Village. Arlington Heights itself has recently recognized this need in the report of the Joint Study Commission on Low-Moderate Income Housing.

37. The Village of Arlington Heights has zoned its land predominantly for single-family houses which, absent subsidies, low and moderate income persons cannot afford. Although federal subsidies are available under the National Housing Act of 1968 for the construction of single-family houses, the cost of land in Arlington Heights and the cost of construction in the

Chicago metropolitan area prevent the development of such low and moderate income housing in Arlington Heights.

38. Arlington Heights' exclusion of multi-family dwellings extends only to low and moderate income housing since the Village has often rezoned land for multi-family units designed for the relatively affluent. Thus, only society's wealthier members, overwhelmingly white, have been able to take advantage of the environmental benefits of Arlington Height's land-use planning. Poorer persons, including a substantial number of minority group members, have been zoned out of Arlington Heights.

VIII. *The Zoning Context.*

39. The proposed rezoning is consistent with the Village's zoning policy and practice and is a reasonable use of the subject property, meeting a critical regional and community need. There are no compelling zoning and planning reasons for denying the rezoning application.

40. Property situated similarly to the subject property has been rezoned upon the landowner's request to R5. In numerous cases the rezoned property was adjacent to single-family and institutional uses.

41. In addition to the need for low and moderate income housing for nonresident workers and potential workers in Arlington Heights, there is a need, recognized by Arlington Heights itself, for low and moderate income housing for elderly residents of Arlington Heights who can neither afford to maintain and pay property taxes on single-family homes nor afford the apartments presently available in Arlington Heights.

42. The proposed development is consistent with Arlington Heights' zoning policy and practice as it concerns use of multi-family districts as transitional use districts or buffers between single-family districts and more intense uses. The Village has frequently zoned land for R5 to buffer R3 single-family districts from institutional uses, especially high schools,

and from commercial and industrial uses. Moreover, the Village apartment policy, adopted May 4, 1970, explicitly recognizes that a useful function of apartments is that of buffering single-family districts from uses that conflict with them. The proposed development serves precisely this function, by buffering the single-family houses to the east of the subject property from the high school to the northwest and, more importantly, from the Viatorian novitiate, an imposing three-story structure with communal living facilities, which abuts the subject property to the West.

43. The proposed development would not adversely affect public facilities available to service the subject property. The site is centrally located in Arlington Heights and within walking distance of public transportation and stores; fire and police protection is more than adequate; the impact of the proposed development on the capacity of schools would be less than the impact of 60 tract houses which could be built under the present R3 zoning; the impact on traffic will not be substantial; and the sewer system is more than adequate for the development.

44. Tax revenues attributable to the proposed development would exceed municipal and school expenditures attributable thereto, thus benefiting the three affected taxing units, the Village of Arlington Heights, School District No. 25 and School District No. 214.

45. The proposed development will not adversely affect the character of the surrounding neighborhood and will not diminish property values. The proposed development is aesthetically attractive, using high quality building materials, interesting design concepts, and clusters which are arranged as to give substantial privacy while preserving substantial open landscaped

common areas. The buildings in the proposed development are two stories high or less, harmonizing with the nearby dwellings. The houses to the east will be separated by foliage and fences, the buffering materials to be the choice of the Village. The proposed development of attached single-family homes is a small-scale one, at the low density of 12.7 units per acre, designed to blend in with and reaffirm the character of the single-family houses to the east. It will harmonize with these houses and retain a single-family atmosphere in contrast to most of the apartment projects which have been approved by Arlington Heights adjacent to single-family neighborhoods, among them high-density highrises, garishly designed and inadequately buffered by fences or foliage from abutting property.

COUNT I.

46. Defendant Village and Defendant Trustees, in refusing to rezone the subject property from R3 to R5, have discriminated against the individual plaintiffs and the class they represent by perpetuating racial segregation in housing and in so doing have denied the class represented by the individual Plaintiffs integrated housing opportunities and an opportunity to share in the environmental benefits of land-use planning, while extending those opportunities to wealthier whites who desire to live in Arlington Heights. Defendant Village and Defendant Trustees have violated the Fourteenth Amendment of the United States Constitution and the Civil Rights Act of 1866 (42 U. S. C. §§ 1981, 1982), the Civil Rights Act of 1871 (42 U. S. C. § 1983), and the Fair Housing Act of 1968 (42 U. S. C. § 3601 *et seq.*) and Article I, section 2 of the Illinois Constitution. In addition, such action, which results

in the exclusion of racial minorities from the Village is not in the general welfare, thereby violating the Illinois Zoning Enabling Act, 24 Ill. Rev. Stat. § 11-13 *et seq.*, and is beyond the police power of the state, thereby violating the due process clauses of the Fourteenth Amendment of the United States Constitution and of Article I, section 2 of the Illinois Constitution.

COUNT II.

47. Defendant Village and Defendant Trustees, by unreasonably, arbitrarily, and capriciously denying Plaintiff MHDC its right to use the property in which it has an interest in a reasonable manner and by failing to consider regional needs, have violated the due process clause of the Fourteenth Amendment of the United States Constitution and Article I, section 2 of the Illinois Constitution.

WHEREFORE, Plaintiffs pray that the Court:

1. Expedite this cause in every way and hear it at the earliest possible date, pursuant to 42 U. S. C. § 3614.

2. Issue a judgment declaring that the denial of Plaintiff MHDC's petition by the Village and the Trustees is unconstitutional, that the zoning ordinance of the Village of Arlington Heights is arbitrary, unreasonable, capricious, and unconstitutional in its application to the subject property, and that the proposed use is a reasonable use of the subject property.

3. Enjoin all Defendants from enforcing any zoning ordinance or other restriction as to the subject property which would prohibit the proposed development and from refusing to take any affirmative steps necessary for Plaintiff MHDC to begin and complete construction.

4. Retain jurisdiction over this action until the completion of development.

5. Allow the Plaintiffs costs herein and any such other relief as the Court finds just and proper.

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted in Printing.]

MOTION TO STRIKE COMPLAINT AND DISMISS CAUSE.

Now come the Village of Arlington Heights, a municipal corporation, Ralph Clarbour, Alice Harms, Frank Palmatier, James Ryan, Theodore Salinsky, and Dwight Walton, in their official capacity as Trustees of the Village of Arlington Heights, John Woods, in his official capacity as Mayor of the Village of Arlington Heights, L. A. Hanson, in his official capacity as Village Manager of the Village of Arlington Heights, and Martin Munsen, in his official capacity as Director of Buildings and Zoning of the Village of Arlington Heights, by Jack M. Siegel, their attorney, and move this Honorable Court to strike the complaint heretofore filed herein and dismiss this cause. In support of said motion, defendants say as follows:

1. That the defendant, John G. Woods, was not the Mayor of the Village of Arlington Heights during the period in which the events complained of herein took place and did not participate in any of the events complained of. That the defendant, Dwight Walton, as Village Trustee, voted against the motion to deny the petition for rezoning and has therefore not taken part in any of the acts alleged to have been in violation of law. That the defendant, L. A. Hanson, in his official capacity as Village Manager of the Village of Arlington Heights is the administrative head of the Village and does not take part in legislative decisions; that he had no part in any of the acts complained of as supposed violations of law. That Martin Munsen, as Director of Buildings and Zoning of the Village of Arlington Heights, is

a purely ministerial officer and there are no allegations in the complaint showing wherein he participated in any of the legislative decisions now attacked by the plaintiffs herein. That the defendants, Ralph Clarbour, Alice Harms, Frank Palmatier, James Ryan and Theodore Salinsky acted solely as members of a legislative body and are not necessary parties to this action. All individual defendants and each and every one of them should therefore be dismissed from this action.

2. That the complaint herein fails to set forth a cause of action under the Fourteenth Amendment to the Constitution of the United States or the Civil Rights Act of 1866, the Civil Rights Act of 1871, or the Fair Housing Act of 1968, and this Court has no jurisdiction of this cause under the provisions of Title 28 of the United States Code.

3. That the allegations of the complaint fail to set forth facts showing any dollar amount in controversy. The allegation that the amount in controversy exceeds $10,000.00 is the conclusion of the pleader. Said complaint fails to set forth the terms of the purported contract and fails to attach thereto the purported contract under which the plaintiff, Metropolitan Housing Development Corporation, alleges an interest in the property in question.

4. The plaintiffs, Isaac Greenwood, Arthur Guthrie and Willie Ransom, have no justiciable interest in the matters in controversy for the reason that they do not own the subject property nor are facts alleged in the complaint showing wherein they are entitled to the use or occupancy of said property. That the allegations of the complaint with respect to plaintiffs, Isaac Greenwood, Arthur Guthrie and Willie Ransom, are insufficient to render them a class under Rules 23(a) and 23(b)(2) and (3) of the Federal Rules of Civil Procedure. That the Metropolitan Housing Development Corporation, an Illinois not-for-profit corporation, is at best a contract purchaser or lessee upon a condition and as such has no standing to attack the validity of

the Arlington Heights Zoning Ordinance as applied to the subject property. That the Clerics of St. Viator, the admitted owner in fee of the subject property, is a necessary party to this case and the cause should be dismissed unless it is a party plaintiff. That the interest of the Metropolitan Housing Development Corporation is supposedly a 99-year lease and agreement to sell, but there are no allegations in the complaint showing that Metropolitan Housing Development Corporation is entitled to the use and possession of the subject property.

5. That the allegations of the complaint fail to show wherein the proposed development will specifically provide for housing for minority group members or serve the purported class represented by the individual plaintiffs herein.

6. That the zoning ordinance of the Village of Arlington Heights is neutral on its face and in no way discriminates against any persons because of race, religion or national origin, and said ordinance is not in fact aimed at any racial minority.

7. That the allegations that the individual plaintiffs have been unable to find housing at a price they could afford in the vicinity of their jobs is insufficient to show that the action of the Village of Arlington Heights, in refusing to rezone the subject property, constitutes discrimination against the individual plaintiffs and fails to give rise to a claim under the Federal Civil Rights Act or the Federal Constitution.

8. That the zoning ordinance of the Village of Arlington Heights was adopted pursuant to the specific authority granted to said Village under the provisions of Sections 11-13-1, et seq. of Chapter 24 of the Illinois Revised Statutes and said zoning ordinance is in all respects and specifically as applied to the subject property, a valid exercise of the legislative discretion granted to the Village of Arlington Heights by the laws of the State of Illinois. That said zoning ordinance is a law which is neutral on its face and is not aimed at any racial minority or economic group. That the various civil rights statutes and the

Fourteenth Amendment to the Constitution of the United States are not intended to be utilized to destroy the valid police power of municipal corporations and there are no allegations in said complaint which show that the classification of the subject property as single-family property under the zoning ordinance of the Village of Arlington Heights since 1959 and prior thereto has any relation to the racial characteristics of any citizens of the Village of Arlington Heights or the County of Cook or the State of Illinois. That Metropolitan Housing Development Corporation is not a person which has been discriminated against by reason of race within the meaning of the Civil Rights Act and is not entitled to bring this action under the civil rights statutes. That there are no allegations showing that the civil rights or constitutional rights of any of the plaintiffs have been violated by the classification of said property for single-family purposes.

9. That the zoning ordinance of the Village of Arlington Heights does not involve any classification based upon race or any discrimination between persons, but is solely a method of regulating the use of land in accordance with the statutes of the State of Illinois.

10. That the complaint fails to state facts showing wherein the subject property cannot be used for low-income housing, except for the possible desire of the owner of the property to maximize the profit to be derived from the sale of the land by utilizing said land at a greater density than that permitted under the valid zoning ordinance of the Village of Arlington Heights. That the failure of a property owner or a contract purchaser to derive the maximum amount of money from the sale of land does not give standing under the various provisions of the Civil Rights Acts or the Fourteenth Amendment to the Constitution of the United States.

11. That the complaint is substantially insufficient as a matter of law in that it fails to state a cause of action within the jurisdiction of this Court or under the various statutes cited.

12. That as appears on the face of said complaint, this case merely involves an attack on the validity of the zoning ordinance of the Village of Arlington Heights as applied to a specific piece of property within the corporate limits of the Village. As such, it raises no substantial federal questions and the proper forum for its trial is in the state courts of Illinois.

13. That this case is a proper one for the adoption by this Court of the abstention doctrine.

WHEREFORE, it is respectfully prayed that the complaint heretofore filed herein be stricken and the cause dismissed.

VILLAGE OF ARLINGTON HEIGHTS, RALPH CLARBOUR, ALICE HARMS, FRANK PALMATIER, JAMES RYAN, THEODORE SALINSKY, DWIGHT WALTON, JOHN WOODS, L. A. HANSON, and MARTIN MUNSEN,

Defendants.

By /s/ JACK M. SIEGEL,

Their Attorney.

JACK M. SIEGEL,
39 South LaSalle Street,
Chicago, Illinois 60603,
263-2968.

UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted in Printing.]

MOTION OF NORTHWEST OPPORTUNITY CENTER, INC. AND ELUTERIA D. MALDONADO FOR LEAVE TO INTERVENE AS PARTY PLAINTIFFS.

Pursuant to Rule 24(b)(2) of the Federal Rules of Civil Procedure, Northwest Opportunity Center, Inc. ("NOC") and Eluteria D. Maldonado, by their attorneys, hereby move for leave to intervene as Plaintiffs in this action in order to support the matters and claims set forth in the complaint filed by the original Plaintiffs herein and to assert the matters and claims set forth in their own pleading, a copy of which is attached hereto. In support of this motion, NOC and Eluteria D. Maldonado state as follows:

I. NOC is a not-for-profit corporation organized under the laws of the State of Illinois with offices at 3411 North Kirchoff Road, Rolling Meadows, Illinois 60008. NOC was originally formed in 1967 for the purpose of reducing the effects and causes of poverty in the Northwest Cook County suburbs of Chicago, Illinois, in order that low and moderate income residents might better seek to become fully self-sufficient, and to this end, NOC has sought to increase the availability of, and to locate for its members, decent low and moderate income housing in Arlington Heights and other northwest suburbs.

II. Eluteria D. Maldonado is a citizen of the United States of Mexican descent who resides in Cook County, Illinois and works in Arlington Heights.

III. Eluteria D. Maldonado and many of NOC's members and other persons whom NOC is designed to serve are low and

moderate income residents of Chicago's northwest suburbs who work or desire to work in Arlington Heights but who cannot find decent housing in Arlington Heights at rents they can afford and who have been injured by the discriminatory housing and zoning practices of Arlington Heights as alleged in the original complaint herein.

IV. Since a substantial and disproportionate number of the low and moderate income residents of the area served by NOC are Spanish-speaking or Spanish-surnamed people, NOC has become particularly aware of and concerned with the lack of adequate housing opportunities available to these people in Arlington Heights. NOC's membership is primarily made up of low and moderate income Spanish-speaking or Spanish-surnamed people and the one-third of its Board that is required to be elected from this membership is also primarily Spanish-speaking or Spanish-surnamed. Eluteria D. Maldonado and NOC note that the three individually-named Plaintiffs in this action are all Black persons and that no Spanish-speaking or Spanish-surnamed persons are presently before the court in this action. Eluteria D. Maldonado and NOC seek to intervene as Plaintiffs herein both to support the original Plaintiffs in their efforts to increase the number of low and moderate income housing units available on a non-discriminatory basis in Arlington Heights and to help secure and vindicate the Constitutional and statutory rights of Eluteria D. Maldonado, NOC's members, and those persons NOC is designed to serve regardless of race or nationality against the discriminatory housing and zoning practices of Arlington Heights.

V. The pleading of Intervening Plaintiffs Eluteria D. Maldonado and NOC, attached hereto, adopts by reference the material allegations and prayer for relief set forth in the complaint of the original Plaintiffs herein. Intervening Plaintiffs' interests and claims and the main action, therefore, involve substantially the same questions of law and fact.

VI. The original Plaintiffs have authorized Eluteria D. Maldonado and NOC to state that they have no objection to the intervention of Eluteria D. Maldonado and NOC. Intervening Plaintiffs' attorneys in this action will be the same as those representing the original Plaintiffs herein. As noted in paragraph V, above, Intervening Plaintiffs' interests and claims and the main action involve substantially the same questions of law and fact. Intervention by Eluteria D. Maldonado and NOC as Plaintiffs herein will, therefore, not unduly delay nor prejudice the adjudication of the rights of the original parties.

Respectfully submitted,

F. WILLIS CARUSO,
WILLIAM J. MCNALLY,
GERALD MULLER,
CAROL M. PETERSEN,
ROBERT SCHWEMM,
Attorneys for Eluteria D. Maldonado and Northwest Opportunity Center, Inc.

By /s/ ROBERT SCHWEMM.

Dated: September 8, 1972.

UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted in Printing.]

COMPLAINT OF INTERVENING PLAINTIFFS NORTHWEST OPPORTUNITY CENTER, INC. AND ELUTERIA D. MALDONADO.

Now come Northwest Opportunity Center, Inc. ("NOC"), a not-for-profit corporation of Illinois, and Eluteria D. Maldonado, by their attorneys, pursuant to the motion for leave to intervene as parties Plaintiff, and state their claim to be as follows:

I. *Nature of Action.*

1. The matters contained in Paragraph 1 of the Complaint of original Plaintiffs are hereby adopted by reference as if herein set forth in full.

2. Intervening Plaintiff Eluteria D. Maldonado is a citizen of the United States of Mexican descent, who resides in Cook County, Illinois. Intervening Plaintiff NOC is a not-for-profit community organization organized under the laws of the State of Illinois whose purposes include increasing the availability of low and moderate income housing in Arlington Heights for its members and other low and moderate income persons whom NOC is organized to serve. Intervening Plaintiffs Maldonado and NOC allege that the refusal of the Village of Arlington Heights to rezone the subject property violates the Fourteenth Amendment of the United States Constitution, the Civil Rights Act of 1866 (42 U. S. C. §§ 1981, 1982), the Civil Rights Act of 1871 (42 U. S. C. § 1983), the Fair Housing Act of 1968 (42 U. S. C. §§ 3601 *et seq.*), and Article I, section 2 of the Illinois Constitution and 24 Ill. Rev. Stat. § 11-13 *et seq.*

3. The matters contained in Paragraph 3 of the Complaint of original Plaintiffs in this action are hereby adopted by reference as if herein set forth in full.

II. *Jurisdiction.*

4.-6. The matters contained in Paragraphs 4, 5, and 6, respectively, of the Complaint of original Plaintiffs in this action are hereby adopted by reference as if herein set forth in full.

III. *Intervening Parties Plaintiff.*

7. Eluteria D. Maldonado is a citizen of the United States of Mexican descent. Both of her parents were born in Mexico, and she speaks both English and Spanish. She is the principal source of support for her husband and four children, and she and her family live in a house in an unincorporated area of Cook County near Arlington Heights, Illinois. Her house is in a general state of disrepair and is totally inadequate for her family's needs, but it is convenient to her work at Dana Molded Products in Arlington Heights. Mrs. Maldonado has been looking for, but has been unable to find, decent housing at a price her family could afford in the vicinity of her job. She and her family seek, and are eligible for, housing of the type Plaintiff MHDC seek to build in Arlington Heights. Mrs. Maldonado is a member of the class on behalf of whom original plaintiffs Greenwood, Guthrie, and Ransom have sued (see Original Complaint, p. 7), and she brings this action under Rule 23(a) and 23(b)(2) and (3) of the Federal Rules of Civil Procedures on her own behalf and on behalf of all others similarly situated; namely, Chicago area low and moderate income minority-group members (including Spanish-speaking and Spanish-surnamed persons) who work or desire to work in Arlington Heights but cannot find decent housing in Arlington Heights at rents they can afford.

8. NOC is a not-for-profit corporation organized under the laws of the State of Illinois with offices at 3411 North Kirchoff Road, Rolling Meadows, Illinois 60008. NOC was originally formed in 1967 for the purpose of reducing the effects and causes of poverty in the Northwest Cook County suburbs of Chicago, Illinois, in order that low and moderate income residents might better seek to become fully self-sufficient, and to this end, NOC has sought to increase the availability of, and to locate for its members and other persons it is serving, decent low and moderate income housing in Arlington Heights and other Northwest suburbs. Many of NOC's members and other persons whom NOC is designed to serve are low and moderate income residents of Chicago's Northwest suburbs who work or desire to work in Arlington Heights and are qualified for and seek housing of the type proposed to be built, but who cannot presently find decent housing in Arlington Heights at rents they can afford to pay. A substantial and disproportionate number of the low and moderate income residents of the area served by NOC are Spanish-speaking or Spanish-surnamed people. NOC's members and those persons NOC is designed to serve include a substantial number of low and moderate income Spanish-speaking or Spanish-surnamed people. The one-third of NOC's Board that is required to be elected from this membership is primarily Spanish-speaking or Spanish-surnamed. NOC, therefore, is particularly aware of and concerned with the lack of adequate housing opportunities available to low and moderate income Spanish-speaking or Spanish-surnamed people on a non-discriminatory basis in Arlington Heights.

IV. *Parties Defendant.*

9.-13. The matters contained in Paragraphs 9, 10, 11, 12, and 13, respectively, of the Complaint of original Plaintiffs are hereby adopted by reference as if herein in set forth in full.

V. *Events Leading to the Filing of This Lawsuit.*

14.29. The matters contained in Paragraphs 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, respectively, of the Complaint of original Plaintiffs are hereby adopted by reference as if herein set forth in full.

VI. *The Civil Rights Context.*

30.-38. The matters contained in Paragraphs 30, 31, 32, 33, 34, 35, 36, 37, and 38, respectively, of the Complaint of original Plaintiffs are hereby adopted by reference as if herein set forth in full. Any reference made in these Paragraphs to "racial discrimination" or like phrases shall be understood to include discrimination based on national origin. Any reference made in these paragraphs to "minorities", "minority groups", "minority group members", minority group employees", or like phrases shall be understood to include Spanish-speaking and Spanish-surnamed persons.

VII. *The Zoning Context.*

39.-45. The matters contained in Paragraphs 39, 40, 41, 42, 43, 44, and 45, respectively, of the Complaint of original Plaintiffs are hereby adopted by reference as if herein set forth in full.

COUNT I.

46. Defendant Village and Defendant Trustees, in refusing to rezone the subject property from R3 to R5, have discriminated against Intervening Plaintiff Maldonado and the class she represents, have infringed upon the fundamental interests of Intervening Plaintiff NOC, and have discriminated against NOC's members and those it is serving as well as the original individual Plaintiffs and the class they represent by perpetuating national-origin and racial segregation in housing. In so doing, said

Defendants have denied NOC's members and those it is serving as well as Intervening Plaintiff Maldonado and the class she and the Original Plaintiffs represent integrated housing opportunities and an opportunity to share in the environmental benefits of land-use planning, while extending those opportunities to wealthier whites and persons of different, national origins who desire to live in Arlington Heights. Defendant Village and Defendant Trustees have violated the Fourteenth Amendment of the United States Constitution and the Civil Rights Act of 1866 (42 U. S. C. §§ 1981, 1982), the Civil Rights Act of 1871 (42 U. S. C. § 1983), and the Fair Housing Act of 1968 (42 U. S. C. § 3601 *et seq.*) and Article I, section 2 of the Illinois Constitution. In addition, such action, which results in the exclusion of national-origin and racial minorities from the Village, is not in the general welfare, thereby violating the Illinois Zoning Enabling Act, 24 Ill. Rev. Stat. § 11-13 *et seq.*, and is beyond the police power of the state, thereby violating the due process clauses of the Fourteenth Amendment of the United States Constitution and of Article I, section 2 of the Illinois Constitution.

WHEREFORE, Intervening Plaintiffs Maldonado and NOC pray that the Court:

1. Expedite this cause in every way and hear it at the earliest possible date.

2. Issue a judgment declaring that the denial of Plaintiff MHDC's petition by the Village and the Trustees is unconstitutional, that the zoning ordinance of the Village of Arlington Heights is arbitrary, unreasonable, capricious, and unconstitutional in its application to the subject property, and the proposed use is a reasonable use of the subject property.

3. Enjoin all Defendants from enforcing any zoning ordinance or other restriction as to the subject property which would prohibit the proposed development and from refusing to take any affirmative steps necessary for Plaintiff MHDC to begin and complete construction.

4. Retain jurisdiction over this action until the completion of development.

5. Allow the Plaintiffs, including Intervening Plaintiffs Maldonado and NOC, costs herein and any such other relief as the Court finds just and proper.

Respectfully submitted,

F. WILLIS CARUSO,
WILLIAM J. MCNALLY,
GERALD MULLER,
CAROL M. PETERSEN,
ROBERT SCHWEMM,
Attorneys for Eluteria D. Maldonado and Northwest Opportunity Center, Inc.

By: /s/ ROBERT SCHWEMM.

Dated: September 8, 1972

UNITED STATES DISTRICT COURT,
Northern District of Illinois,
Eastern Division.

Name of Presiding Judge, Honorable William J. Lynch.

Cause No. 72 C 1453 Date October 3, 1972

Title of Cause—Metropolitan Housing Development Corporation, et al. v. The Village of Arlington Heights, et al.

Brief Statement of Motion—Motion to Strike Complaint and Dismiss Cause.

ORDER: Defendant's motion to strike the complaint and dismiss the cause is denied. A complaint which is the subject of a motion to dismiss should be construed in the light most favorable to the plaintiff with all doubts resolved in the plaintiff's favor. *Jung* v. *K & D Mining Co.*, 260 F. 2nd 607 (7th Cir., 1958). Further, all well-pleaded material allegations of the complaint are, for the purpose of the motion, assumed to be true. In light of the above standards, the Court finds that the complaint states a cause of action upon which relief may be granted. See, *Sisters of Providence of St. Mary's of the Woods* v. *City of Evanston,* 335 F. Supp. 396 (N. D., Ill., 1971).

Defendants are given ten days to answer or otherwise plead.

W. J. L.

UNITED STATES DISTRICT COURT,
Northern District of Illinois,
Eastern Division.

Name of Presiding Judge, Honorable William J. Lynch.

Cause No. 72 C 1453 Date October 4, 1972

Title of Cause—Metropolitan Housing Development Corporation, et al. v. The Village of Arlington Heights, et al.

Brief Statement of Motion—Motion to Intervene.

ORDER: Motion of Northwest Opportunity Center, Inc. and Eluteria D. Maldonado for leave to intervene as party plaintiffs pursuant to Rule 24(b)(2), Fed. R. Civ. P. is granted.

Order cause set for status report on October 27, 1972 at 10:00 a.m.

W. J. L.

IN THE UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted In Printing.]

ANSWER TO COMPLAINT.

Now come the Village of Arlington Heights, a municipal corporation, Ralph Clarbour, Alice Harms, Frank Palmatier, James Ryan, Theodore Salinsky and Dwight Walton, in their official capacity as Trustees of the Village of Arlington Heights, John Woods, in his official capacity as Mayor of the Village of Arlington Heights, L. A. Hanson, in his official capacity as Village Manager of the Village of Arlington Heights, and Martin Munson, in his official capacity as Director of Building and Zoning of the Village of Arlington Heights, defendants herein, by Jack M. Siegel, their attorney, and in answer to the complaint heretofore filed herein, say as follows:

I. *Nature of Action.*

1. In answer to paragraph 1 of said complaint, defendants admit that this is a suburban zoning case in which some of the plaintiffs allege that their civil rights have been violated and others allege that their property rights as guaranteed by the Constitutions of the United States and the State of Illinois have been violated. Defendants deny that the civil rights of any of these plaintiffs have been violated by the Village of Arlington Heights and deny that the property rights guaranteed by the Constitutions of the United States and the State of Illinois have been violated. Defendants admit that the Village Board of Trustees of the Village of Arlington Heights has refused to rezone the subject property, but deny that the reason the Village Board of Trustees refused to rezone the property was because of the proposed construction of a housing development which would

contain federally assisted low and moderate income housing units. Defendants aver that the sole and only reason for the refusal to rezone the subject property for multiple-family purposes was because such zoning would be out of character with the existing land use and zoning of nearby properties, would depreciate surrounding property values, and would be detrimental to the public health, safety and welfare of the citizens of the Village of Arlington Heights. Defendants further aver that the refusal to rezone said property was motivated solely for the purpose of preserving property values within the Village of Arlington Heights and promoting the sound development of said Village, and said action was totally unrelated to the civil rights or the alleged interests of the individual plaintiffs in this action.

2. In answer to paragraph 2 of said complaint, defendants say that they have no knowledge sufficient to form a belief that the plaintiffs are black persons who presently work in Arlington Heights and cannot find decent housing in Arlington Heights at a price they can afford to pay, and further aver they have no knowledge sufficient to form a belief that the plaintiffs qualify for and seek housing of the type proposed to be built. Defendants demand strict proof of said allegations and further aver that said allegations, even if true, are insufficient to give the individual named plaintiffs standing to bring this action. Defendants further aver that they have no knowledge sufficient to form a belief that a plaintiff is an obligor under a contract to purchase the property and demand strict proof thereof. Defendants deny that the refusal of the Village of Arlington Heights to rezone the subject property violates the Fourteenth Amendment of the United States Constitution, the Civil Rights Act of 1866 (42 U. S. C. §§ 1981, 1982), the Civil Rights Act of 1871 (42 U. S. C. § 1983), the Fair Housing Act of 1968 (42 U. S. C. §§ 3601 et seq.) and Article I, Section 2 of the Illinois Constitution, and 24 Ill. Rev. Stat. § 11-13 et seq. Defendants aver that the refusal of the Village of Arlington

Heights to rezone the subject property is in all respects a valid legislative determination and is reasonably related to the public health, safety, morals and welfare of the citizens of the Village of Arlington Heights and is a proper exercise of legislative discretion vested in the President and Board of Trustees of the Village of Arlington Heights under the Constitution and Statutes of the State of Illinois. Defendants deny that the action by the Village of Arlington Heights violates the contract obligor's right to use property in which it has an interest in a reasonable fashion without unreasonable, arbitrary and capricious regulations by the State and aver that the allegations of said complaint fail to set forth facts showing the extent of the interest of the purported contract obligor. Defendants further aver that the owner of the property is a necessary party to this action and the contract obligor has no standing to bring this action to challenge the validity of the zoning ordinance of the Village of Arlington Heights. Defendants further aver that the contract obligor has no standing to bring this action under any Civil Rights Act or the Fair Housing Act of 1968, nor does it have any standing to bring this action before the Federal Courts.

3. In answer to paragraph 3 of said complaint, defendants deny that this Court has jurisdiction to enter a declaratory judgment invalidating the zoning ordinance as applied to the subject property and an injunction restraining the defendants from interfering with the development, and further say that the individual plaintiffs herein have failed to exhaust their local or administrative remedies as required by the laws of the State of Illinois. Defendants further aver that the plaintiffs have an adequate forum to redress their grievances in the State Courts of Illinois.

II. *Jurisdiction.*

4. In answer to paragraph 4 of said complaint, defendants deny that this Court has jurisdiction pursuant to 28 U. S. C. § 1331 and to 28 U. S. C. § 1343(3) and (4) in conjunction

with the Fourteenth Amendment of the United States Constitution and the Civil Rights Act of 1866 (42 U. S. C. §§ 1981, 1982) and the Civil Rights Act of 1871 (42 U. S. C. § 1983), and the Fair Housing Act of 1968 (42 U. S. C. §§ 3601, et seq.) Defendants deny that the amount in controversy, exclusive of interests and costs, exceeds $10,000.

5. In answer to paragraph 5 of said complaint, defendants deny that declaratory relief is proper under 28 U. S. C. §§ 2201 and 2202, and deny that this Court has jurisdiction under said sections.

6. In answer to paragraph 6 of said complaint, defendants deny that any claims arise in whole or in part under the Constitution or Statutes of the State of Illinois and deny that the plaintiffs have the right to invoke the pendent jurisdiction of this Court.

III. *Parties Plaintiff.*

7. In answer to paragraph 7 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants further say that said allegations, even if true, are irrelevant and immaterial to the issues in this case.

8. In answer to paragraph 8 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. More particularly:

a. With respect to Isaac Greenwood, defendants say they have no knowledge sufficient to form a belief as to any of the allegations contained with respect to Mr. Greenwood and demand strict proof of said allegations. Defendants further aver that said allegations, if true, fail to give Mr. Greenwood standing to bring this action, and further aver that Mr. Greenwood has failed to exhaust his administrative remedies as required

under the laws of the State of Illinois. Defendants further aver that said allegations fail to set forth facts, but are merely the unsupported allegations of the pleader.

b. With respect to Arthur Guthrie, defendants say they have no knowledge sufficient to form a belief as to any of the allegations contained with respect to Mr. Guthrie and demand strict proof of said allegations. Defendants further aver that said allegations, if true, fail to give Mr. Guthrie standing to bring this action, and further aver that Mr. Guthrie has failed to exhaust his administrative remedies as required under the laws of the State of Illinois. Defendants further aver that said allegations fail to set forth facts, but are merely the unsupported allegations of the pleader.

c. With respect to Willie Ransom, defendants say they have no knowledge sufficient to form a belief as to any of the allegations contained with respect to Mr. Ransom and demand strict proof of said allegations. Defendants further aver that said allegations, if true, fail to give Mr. Ransom standing to bring this action, and further aver that Mr. Ransom has failed to exhaust his administrative remedies as required under the laws of the State of Illinois. Defendants further aver that said allegations fail to set forth facts, but are merely the unsupported allegations of the pleader.

Defendants further aver that plaintiffs Greenwood, Guthrie and Ransom are not entitled to bring this action under Rule 23(a) and 23(b)(2) and (3) of the Federal Rules of Civil Procedure. Defendants aver that the plaintiffs are not members of an ascertainable class and that each and every person who purports to be a member of a low and moderate income minority group may be differently situated with respect to eligibility for housing as proposed by the Metropolitan Housing Development Corporation, and this suit is not a proper one for a class action for the reason that the allegations of the complaint fail to set forth facts showing that the individual plaintiffs are in fact a member of any ascertainable class. Defendants deny that they

have acted or refused to act on grounds generally applicable to any class, but say their refusal to grant the rezoning requested was not related to any class of persons but was simply the exercise of legislative discretion specifically delegated to the Village of Arlington Heights by the Statutes of the State of Illinois. Defendants further deny that there are questions of law and fact common to a class and deny that a class action is superior to other available methods for the fair and efficient adjudication of this suit.

IV. *Parties Defendant.*

9.-13. Defendants admit the allegations of paragraphs 9, 10, 11, 12 and 13 of said complaint, but aver that John Woods was not the Mayor of the Village of Arlington Heights during the events complained of herein. Defendants further aver that L. A. Hanson, as Village Manager, has no legislative authority and that the acts complained of herein were acts of the President and Board of Trustees of the Village of Arlington Heights, in which L. A. Hanson played no part. Defendants further aver that Martin Munsen, as Director of Building and Zoning, is purely a ministerial officer and is bound by the ordinances of the Village of Arlington Heights and in no way participated in any of the events complained of herein.

V. *Events Leading to the Filing of This Lawsuit.*

14. In answer to paragraph 14 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants further say that if the Clerics of St. Viator is the owner in fee of the subject property described in the complaint, then the Clerics of St. Viator is a necessary party to this lawsuit and this suit may not proceed unless or until the Clerics of St. Viator becomes a party plaintiff herein, and this suit should be dismissed for failure to include necessary parties.

15. In answer to paragraph 15 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants further state that any agreement for a 99-year lease or for sale of property must be reduced to writing under the laws of the State of Illinois and that said agreement, if such exists, should be pleaded and made an exhibit to said complaint.

16. In answer to paragraph 16 of said complaint, defendants admit that the property legally described is located abutting the Viatorian property, but deny that there is a heavily travelled road to the south. Defendants aver that to the south lies Euclid Avenue, a single-family residential street in that area of Arlington Heights. Defendants further deny that the Viatorian property includes a three-story hotel-like structure, but say that the entire tract, of which the subject property is a portion, is zoned for R-3 One-Family Dwelling District and that under this classification detached dwellings, churches, convents, monasteries, rectories, parish houses and horticultural uses are permitted. That said 80-acre tract is improved with a boys high school, recreation fields and a nursery. That the areas to the north, south, east and west of the entire tract are zoned and developed under the R-3 One-Family Dwelling classification of the Arlington Heights Zoning Ordinance.

17. In answer to paragraph 17 of said complaint, defendants admit the allegations therein contained.

18. In answer to paragraph 18 of said complaint, defendants admit that an application for rezoning to permit a planned unit development of the type proposed was made to the Village of Arlington Heights, but say they have no knowledge sufficient to form a belief as to the truth of the allegations with respect to the present intention of the corporate plaintiff and neither admit nor deny the allegations therein contained. Defendants further aver they have no knowledge as to whether or not the subsidies

are available for the proposed project under § 236 of the National Housing Act of 1968, or who would occupy said development, and demand strict proof of the allegations with respect to these facts.

19. In answer to paragraph 19 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants further aver that whether or not the proposed development meets the requirements of Section 236 of the National Housing Act or what the rental schedule or racial composition of the project will be is totally irrelevant and immaterial to the questions as to the validity of the action of the defendants herein.

20. In answer to paragraph 20 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof Defendants further aver that any expenditures by MHDC for developing its proposal and preparing for hearing were the voluntary expenditures of MHDC and are totally irrelevant and immaterial to any of the issues in this case.

21. In answer to paragraph 21 of said complaint, defendants admit that MHDC petitioned the Village for rezoning for a change from the R-3 to the R-5 zoning classification and a planned development, but deny that said proposed development meets all the requirements of the R-5 zoning classification and the requirements of all other Village codes.

22. In answer to paragraph 22 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants further aver that any conversations with staff persons could have no binding effect on the defendants herein. Defendants further aver that staff persons are available to all applicants for

any zoning changes for the purpose of answering questions or advising on procedures, but that such conferences or changes in plans as may have been made are totally irrelevant to any of the issues in this case.

23. In answer to paragraph 23 of said complaint, defendants admit the allegations therein contained.

24. In answer to paragraph 24 of said complaint, defendants aver that the allegations therein contained are totally irrelevant and immaterial to any of the issues in this cause and further state that this action is not an attempt to review the actions of the Plan Commission of the Village of Arlington Heights nor is the Plan Commission a party to this proceeding. Defendants aver that the only question in this action, aside from the question of jurisdiction of the Federal Court, is the question of whether or not the legislative action of the President and Board of Trustees was a reasonable exercise of the legislative discretion vested in the President and Board of Trustees under the Statutes and Constitution of the State of Illinois.

25. In answer to paragraph 25 of said complaint, defendants aver that the allegations therein contained are irrelevant and immaterial to any of the issues in this cause and say that this action is not one to review the proceedings of the Plan Commission, but that the only question raised in this proceeding, aside from the jurisdiction of the Federal Court, is that of the reasonableness of the legislative determination made by the President and Board of Trustees of the defendant, Village of Arlington Heights.

26.-27. In answer to the allegations of paragraphs 26 and 27 of said complaint, defendants admit that the Plan Commission voted 7 to 2 to recommend to the Village Board that it reject MHDC's rezoning petition and admit that on September 28, 1971, the Village Board of Trustees denied MHDC's rezoning petition.

28. In answer to paragraph 28 of said complaint, defendants say they have no knowledge sufficient to form a belief as

to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants further aver that the question of whether MHDC found other sites which it deemed appropriate has no relevance to any of the issues in this cause. Defendants further aver that whether land can be purchased at a price within the maximum allowable land cost for a Section 236 development has no relevance to any of the issues in this cause.

29. In answer to paragraph 29 of said complaint, defendants admit that the Village Board of Trustees on March 27, 1972 approved a certain report of the Joint Study Committee. Defendants deny that the proposed development conforms with the principles governing the planning for low and moderate income housing contained in the above Report. Defendants further aver that, by ordinance number 72-43, adopted May 15, 1972, the Arlington Heights Local Housing Commission was established for the purpose of implementing and carrying forward said Report of March 27, 1972.

VI. *The Civil Rights Context.*

30. In answer to paragraph 30 of said complaint, defendants deny that the failure of the Village of Arlington Heights to rezone the subject property was racially discriminatory and deny each and every allegation of said paragraph 30. Defendants aver that the denial of rezoning was absolutely unrelated to any racial considerations, but was based solely upon sound zoning and land planning considerations and was a reasonable exercise of the legislative discretion vested in the President and Board of Trustees by the Statutes and Constitution of the State of Illinois.

31. In answer to paragraph 31 of said complaint, defendants admit the allegations therein contained, except to say they have no knowledge sufficient to form a belief as to the number of black persons residing in Arlington Heights. Defendants

aver that they make no head count based upon race. Defendants further aver that under ordinance number 68-1, adopted January 2, 1968, commonly known as Article XVIIA Real Estate Brokers of the Municipal Code of Arlington Heights, there has been established a real estate brokers review board. That said Article XVIIA of the Municipal Code of Arlington Heights is a "Fair Housing Ordinance" that makes it unlawful to discriminate in the sale or rental of real estate because of the race, color, religion, national origin or ancestry of applicants for sale or lease of real estate. That the Village of Arlington Heights has consistently adopted a public policy against any and all discrimination in real estate transactions because of race, color, religion or national origin. That discrimination in the sale or lease of real estate because of race, color, religion or national origin can result in the suspension of a real estate broker's license by the Village of Arlington Heights.

32. In answer to paragraph 32 of said complaint, defendants admit the existence of Centex Industrial Park in the vicinity of Arlington Heights, but aver that said Centex Industrial Park is located in Elk Grove Village and taxes from said development or any other benefits from said development do not accrue to the Village of Arlington Heights. Defendants further aver that the existence of Centex Industrial Park in the Village of Elk Grove Village has no relationship to any of the issues in this cause. Defendants admit that there are industries in the Village of Arlington Heights, including Honeywell, Inc. Defendants further aver that they have no knowledge as to the number of minority group employees employed by industries within the Village of Arlington Heights and neither admit nor deny the allegations that industries in Arlington Heights employ substantial numbers of minority group employees, but demand strict proof thereof. Defendants further aver that the existence of Centex Industrial Park and Honeywell, Inc. has nothing to do with any of the issues in this case.

33. In answer to paragraph 33 of said complaint, defendants deny that minority group employees have been unable to find decent housing in Arlington Heights and further aver they have no knowledge sufficient to form a belief as to the commuting distances of any employees who work in Arlington Heights and demand strict proof of said allegations. Defendants deny that any workers subsidize residents of the Village of Arlington Heights. Defendants deny that the Village does not permit housing for any workers, but say that the Village permits any housing which meets the zoning and building codes of the Village of Arlington Heights and does not in any way discriminate against any persons with respect to the occupancy of housing.

34. In answer to paragraph 34 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants further aver that they have no control or interest in the Centex Industrial Park which is located in a different municipality far removed from the subject property of this lawsuit and further aver that the Village has no control over the expense of commuting and further aver that the Village does not discourage any persons from seeking employment in the Village of Arlington Heights.

35. In answer to paragraph 25 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants specifically deny however that they have in any way prevented minority group members who work or desire to work in Arlington Heights from working in Arlington Heights. Defendants further aver that they have no control over areas where the loss of tax base has meant deterioration of schools and municipal services and further aver that the allegations of paragraph 35 are merely the unsupported conclusions of the

pleader and are irrelevant and immaterial to the issues in this case.

36. In answer to paragraph 36 of said complaint, defendants deny that there is a desperate need for decent housing for those who work or desire to work in Arlington Heights but cannot afford the housing presently available in the Village. Defendants further state that the report of the Joint Study Committee speaks for itself and further aver that the proposed development of the plaintiff herein will not meet any need indicated in the Joint Study Committee Report.

37. In answer to paragraph 37 of said complaint, defendants deny that its zoning for single-family houses is in any way related to the ability of any group to pay for housing. Defendants further aver that they have no control over the cost of land or the cost of construction and deny that any acts of the Village have resulted in the prevention of low or moderate income housing in Arlington Heights. Defendants further aver that if the cost of land prevents MHDC from developing the subject property for low or moderate income housing, the reason for said cost of land is solely the price set on said land by the owners of said property and not by any acts of the defendants.

38. In answer to paragraph 38 of said complaint, defendants deny each and every allegation therein contained. Defendants deny that poor persons have been zoned out of Arlington Heights and aver that any zoning changes adopted by the Village have been undertaken only where land use considerations and sound planning principles have dictated such rezoning. Defendants further aver that their zoning policies have been solely for the purpose of implementing sound planning and proper development within the Village of Arlington Heights and have not been directed toward any group of persons and have not been motivated by any economic or racial considerations.

VII. *The Zoning Context.*

39. In answer to paragraph 39 of said complaint, defendants deny that the proposed rezoning is consistent with the Village's policies and practice and is a reasonable use of the subject property. Defendants deny there are no compelling zoning and planning reasons for denying the rezoning application and aver that said application was denied for the purpose of protecting and preserving the public health, safety and welfare and said denial was based upon sound zoning and planning considerations, including the character of the surrounding area, the traffic and street patterns in the area, the suitability of the subject property for development as presently zoned and the preservation and enhancement of existing property values and tax base.

40. In answer to paragraph 40 of said complaint, defendants deny each and every allegation therein contained. Defendants further aver that each zoning matter must be considered on its own facts and that the Village has never rezoned property similarly situated to that of the subject property for R-5 purposes.

41. In answer to paragraph 41 of said complaint, defendants deny the allegations therein contained.

42. In answer to paragraph 42 of said complaint, defendants deny that the proposed development is consistent with the Village's zoning policies and practice. Defendants deny that the apartment policy adopted May 4, 1970 is in any way applicable to the subject property, and deny each and every allegation of said paragraph 42.

43. In answer to paragraph 43 of said complaint, defendants deny that the proposed development would not adversely affect public facilities. Defendants deny that the impact of the proposed development on the capacity of schools would be less than the impact of 60 tract houses and deny that the impact on traffic will not be substantial. Defendants deny each and every allegation of paragraph 43.

44. In answer to paragraph 44 of said complaint, defendants deny each and every allegation of said paragraph and further state that the allegations of said paragraph, even if true, would be irrelevant and immaterial to the issues in this case.

45. In answer to paragraph 45 of said complaint, defendants deny that the proposed development will not adversely affect the character of the surrounding neighborhood and will not diminish property values. Defendants deny that the proposed development is aesthetically attractive and deny that the buildings in the proposed development will harmonize with nearby dwellings. Defendants aver that the property may be developed for single-family homes under the zoning ordinance of the Village of Arlington Heights and that there is a great demand for single-family homes. Defendants deny that the proposed development will retain a single-family atmosphere and deny that the Village has approved apartment projects adjacent to single-family neighborhoods which are garishly designed and inadequately buffered.

COUNT I.

46. In answer to paragraph 46 of said complaint, defendants deny each and every allegation therein contained and specifically deny that the refusal to rezone the subject property amounts to discrimination against the individual plaintiffs or any class they purport to represent. Defendants deny that said rezoning perpetuates racial segregation and deny that the refusal to rezone prevents any persons from living within the corporate limits of the Village of Arlington Heights if the owners of the property would be willing to sell the property at a price which would permit the development of housing which persons seeking to live within the Village could afford to pay. Defendants deny that the Village or the Trustees have violated the Fourteenth Amendment to the Constitution of the United States and deny that the Village and the Trustees violated the Civil Rights Act of 1866, the Civil Rights Act of 1871, the Fair Housing Act of

1968, and Article I, Section 2 of the Illinois Constitution. The Village denies that its action results in the exclusion of racial minorities from the Village and denies that its action is not in the general welfare. They further deny that said action violates the Illinois Zoning Enabling Act or is beyond the police power of the State and deny that the action violates the due process clauses of the Fourteenth Amendment of the United States Constitution and Article I, Section 2 of the Illinois Constitution.

COUNT II.

47. In answer to paragraph 47 of said complaint defendants deny that they have in any manner violated the due process clause of the Fourteenth Amendment of the United States Constitution and Article I, Section 2 of the Illinois Constitution. Defendants deny that they have unreasonably, arbitrarily or capriciously denied the plaintiff MHDC of its right to use the property in which it has an interest and aver that MHDC is entitled to use property in which it has an interest as long as said use complies with the zoning ordinance and other applicable ordinances of the Village of Arlington Heights.

WHEREFORE, defendants respectfully pray that the complaint heretofore filed herein be dismissed and judgment entered in favor of the defendants.

THE VILLAGE OF ARLINGTON HEIGHTS, RALPH CLARBOUR, ALICE HARMS, FRANK PALMATIER, JAMES RYAN, THEODORE SALINSKY, and DWIGHT WALTON, JOHN WOODS, L. A. HANSON, and MARTIN MUNSEN,
Plaintiffs,

By /s/ JACK M. SIEGEL,
Their Attorney.

JACK M. SIEGEL,
39 South LaSalle Street,
Chicago, Illinois 60603,
263-2968.

IN THE UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted in Printing]

ANSWER TO COMPLAINT OF INTERVENING PLAINTIFFS.

Now come the Village of Arlington Heights, a municipal corporation, Ralph Clarbour, Alice Harms, Frank Palmatier, James Ryan, Theodore Salinsky and Dwight Walton, in their official capacity as Trustees of the Village of Arlington Heights, John Woods, in his official capacity as Mayor of the Village of Arlington Heights, L. A. Hanson, in his official capacity as Village Manager of the Village of Arlington Heights, and Martin Munson, in his official capacity as Director of Building and Zoning of the Village of Arlington Heights, defendants herein, by Jack M. Siegel, their attorney, and in answer to the complaint of intervening plaintiffs heretofore filed herein, say as follows:

I. *Nature of Action.*

1. In answer to paragraph 1 of said complaint, defendants hereby adopt by reference the matters contained in paragraph 1 of their original answer as if herein set forth in full.

2. In answer to paragraph 2 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations that Eluteria D. Maldonado is a citizen of the United States of Mexican descent who resides in Cook County, Illinois, and demand strict proof thereof. Defendants further aver that said allegations if true are irrelevant and immaterial to any issues in this cause. Defendants further admit that NOC is a not-for-profit organization, but deny that said NOC has for one of its purposes the increasing of the availability of low and moderate income housing in Arlington Heights for its members and other low and moderate income persons. Defendants further deny that NOC has any standing to bring this action or to intervene herein. Defendants further deny that the refusal of the Village of Arlington Heights to rezone the subject property violates the Fourteenth Amendment of the United States Constitution, the Civil Rights Act of 1866, the Civil Rights Act of 1871, the Fair Housing Act of 1968, and Article 1, Section 2 of the Illinois Constitution, and 24 Ill. Rev. Stat. § 11-13, et seq. Defendants further aver that the intervenors have no standing to intervene herein and said complaint fails to show wherein they have any justiciable interest in this proceeding or any standing under the Civil Rights Acts as alleged.

3. In answer to paragraph 3 of said complaint, defendants hereby adopt by reference the matters contained in paragraph 3 of their original answer as if herein set forth in full.

II. *Jurisdiction.*

4.-6. In answer to paragraphs 4, 5 and 6 of said complaint, defendants hereby adopt by reference the matters contained in paragraphs 4, 5 and 6 of their original answer as if herein set forth in full.

III. *Intervening Parties Plaintiff.*

7. In answer to paragraph 7 of said complaint, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants further deny that Mrs. Maldonado is a member of the class on behalf of whom the original plaintiffs, Greenwood, Guthrie and Ransom, have sued and deny that she is entitled to bring this action under Rule 23 as a class action. Defendants further deny that there is a class of Chicago area low and moderate income minority group members who work or desire to work in

Arlington Heights but cannot find decent housing in Arlington Heights at rents they can afford.

8. In answer to paragraph 8 of said complaint, defendants admit that NOC is a not-for-profit corporation. With respect to all the other allegations of said paragraph 8, defendants say they have no knowledge sufficient to form a belief as to the truth of the allegations therein contained and neither admit nor deny said allegations, but demand strict proof thereof. Defendants further aver that, even if true, such allegations are irrelevant and immaterial to the issues in this cause, and deny that NOC is a proper or necessary party to this proceeding and deny that it has standing to intervene herein.

V. *Parties Defendant.*

9.-13. In answer to paragraphs 9, 10, 11, 12 and 13 of said complaint, defendants hereby adopt by reference the matters contained in paragraphs 9, 10, 11, 12 and 13 of their original answer as if herein set forth in full.

V. *Events Leading to the Filing of This Lawsuit.*

14.-29. In answer to paragraphs 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of said complaint, defendants hereby adopt by reference the matters contained in paragraphs 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of their original answer as if herein set forth in full.

V. *The Civil Rights Context.*

30.-38. In answer to paragraphs 30, 31, 32, 33, 34, 35, 36, 37 and 38 of said complaint, defendants hereby adopt by reference the matters contained in paragraphs 30, 31, 32, 33, 34, 35, 36, 37 and 38 of their original answer as if herein set forth in full. Defendants further aver that all answers relating to racial discrimination shall likewise be taken to refer to discrimination based on national origin, and all answers shall include, where appropriate, reference to Spanish-speaking and Spanish-surnamed persons. Defendants further aver that they have taken no action or performed any acts which in any way discriminate against any minority group members or against Spanish-speaking and Spanish-surnamed persons. Defendants further aver that the allegations of paragraphs 30, 31, 32, 33, 34, 35, 36, 37 and 38 fail to set forth facts showing wherein there has been any violation of the rights of the intervenor plaintiffs.

VII. *The Zoning Context.*

39.-45. In answer to paragraphs 39, 40, 41, 42, 43, 44 and 45 of said complaint, defendants hereby adopt by reference the matters contained in paragraphs 39, 40, 41, 42, 43, 44 and 45 of their original answer as if herein set forth in full.

COUNT I.

46. In answer to paragraph 46 of said complaint, defendants deny that in refusing to rezone the subject property from R-3 to R-5 they have discriminated against plaintiff Maldonado or any class, and deny that they have infringed upon the fundamental interests of intervening plaintiff NOC or have discriminated against NOC's members or any other class of persons. Defendants deny that in refusing to rezone the subject property they have perpetuated national origin and racial segregation in housing. Defendants deny each and every allegation of said paragraph 46 and specifically deny they have denied the plaintiffs integrated housing opportunities or the opportunity to share the environmental benefits of land use planning. Defendants deny they have violated the Fourteenth Amendment of the United States Constitution and the Civil Rights Act of 1866, the Civil Rights Act of 1871, the Fair Housing Act of 1968, and Article 1, Section 2 of the Illinois Constitution. Defendants

aver that in refusing to rezone the subject property they have acted within the scope of the legislative discretion vested in the President and Board of Trustees of the Village of Arlington Heights by the laws of the State of Illinois and, more particularly, 24 Ill. Rev. Stat. § 11-13, et seq. Defendants deny that such action results in the exclusion of national origin and racial minorities from the Village and deny that said action is beyond the police power of the state, and deny said action violates the due process clause of the Fourteenth Amendment of the United States Constitution and of Article 1, Section 2 of the Illinois Constitution.

47. As further and affirmative defenses, defendants say that the intervening complaint and the original complaint herein fail to set forth a cause of action giving jurisdiction to the Federal Courts and that the proper forum for said action, if any, is in the State Courts of Illinois. Defendants further aver that the plaintiffs herein have failed to exhaust their administrative remedies as required by the laws of the State of Illinois.

WHEREFORE, defendants respectfully pray that the complaint of the intervenor plaintiffs heretofore filed herein be dismissed and judgment entered in favor of the defendants.

THE VILLAGE OF ARLINGTON HEIGHTS,
RALPH CLARBOUR, ALICE HARMS,
FRANK PALMATIER, JAMES RYAN,
THEODORE SALINSKY, and DWIGHT
WALTON, JOHN WOODS, L. A. HANSON,
and MARTIN MUNSEN,
Plaintiffs.

By /s/ JACK M. SIEGEL,
Their Attorney.

JACK M. SIEGEL,
39 South LaSalle Street,
Chicago, Illinois 60603,
263-2968.

IN THE UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted in Printing.]

MOTION TO RECONSIDER.

Now come the Village of Arlington Heights, a municipal corporation, Ralph Clarbour, Alice Harms, Frank Palmatier, James Ryan, Theodore Salinsky and Dwight Walton, in their official capacity as Trustees of the Village of Arlington Heights, John Woods, in his official capacity as Mayor of the Village of Arlington Heights, L. A. Hanson, in his official capacity as Village Manager of the Village of Arlington Heights, and Martin Munson, in his official capacity as Director of Building and Zoning of the Village of Arlington Heights, defendants herein, by Jack M. Siegel, their attorney, and move this Honorable Court to reconsider its order of October 3, 1972, wherein the defendants' motion to strike the complaint and dismiss the cause was denied. In support of said motion for reconsideration, the defendants say:

1. That the order of October 3, 1972 was based on the holding in *Sisters of Providence of St. Mary of the Woods* v. *City of Evanston*, 335 F. Supp. 396 (N. D. Ill. 1971), but the allegations of the complaint in the instant case are substantially different from those in the *Evanston* case and the complaint herein fails to state a cause of action under the Fourteenth Amendment of the Constitution of the United States or the Civil Rights Act of 1866, the Civil Rights Act of 1871, or the Fair Housing Act of 1968, and this Court has no jurisdiction of this cause under the provisions of Title 28 of the United States Code.

2. That the plaintiff, Metropolitan Housing Development Corporation's only firm interest in the property is a 99-year leasehold with a rental of $1.00 per year and there are no allegations in the complaint showing the jurisdictional amount. That a purported contract to purchase based upon rezoning is insufficient to give said Metropolitan Housing Development Corporation standing, absent the presence of the owners of the property as parties plaintiff.

3. That the allegations of the complaint with respect to plaintiffs, Isaac Greenwood, Arthur Guthrie and Willie Ransom, and intervenor-plaintiffs, Northwest Opportunity Center, Inc. and Eluteria D. Maldonado, are insufficient to show a justiciable interest under the Fourteenth Amendment for the reason that there is no racial discrimination charged, but the allegations of the complaint, taken most favorably as relating to the plaintiffs, merely indicate that the plaintiffs' failure to occupy housing in Arlington Heights is due solely to their alleged lack of economic ability to afford such housing. That the Civil Rights Acts, the Fair Housing Act, and the Fourteenth Amendment do not guarantee to all persons the right to live any place they wish regardless of economic ability.

4. That the zoning ordinance of the Village of Arlington Heights is neutral on its face and in no way discriminates against any persons because of race, religion or national origin, and said ordinance is not in fact aimed at any racial minority. That there are no allegations of fact in the complaint showing wherein the zoning ordinance of the Village of Arlington Heights or the particular action of the Village of Arlington Heights complained of herein are in any way directed toward the objective of racial discrimination.

5. That the allegations of said complaint, even taken most favorably to the plaintiffs, fail to set forth facts sufficient to overcome the presumption of validity attaching to the zoning ordinance of the Village of Arlington Heights.

6. That the Constitution of the State of Illinois, and particularly Article 1 thereof, guarantees to all persons the right of freedom from discrimination in the sale or rental of property, and further guarantees all persons equal protection of the laws. That the State Courts of Illinois are the proper forum for the determination of all issues in this cause.

7. The defendants further set forth as grounds for this motion, all the grounds heretofore set forth in their original Motion to Strike Complaint and Dismiss Cause heretofore filed herein.

WHEREFORE, it is respectfully prayed that this Court reconsider its order of October 3, 1972, and, on reconsideration, strike the complaint herein and dismiss the cause.

THE VILLAGE OF ARLINGTON HEIGHTS, RALPH CLARBOUR, ALICE HARMS, FRANK PALMATIER, JAMES RYAN, THEODORE SALINSKY, and DWIGHT WALTON, JOHN WOODS, L. A. HANSON, and MARTIN MUNSON,
Defendants,
By /s/ JACK M. SIEGEL,
Their Attorney.

JACK M. SIEGEL,
39 South LaSalle Street,
Chicago, Illinois 60603,
263-2968.

UNITED STATES DISTRICT COURT,
Northern District of Illinois,
Eastern Division.

METROPOLITAN HOUSING DEVELOPMENT CORPORATION, an Illinois not-for-profit corporation, and ISAAC GREENWOOD, ARTHUR GUTHRIE, and WILLIE RANSOM, on their own behalf and on behalf of all others similarly situated,

Plaintiffs,

vs.

THE VILLAGE OF ARLINGTON HEIGHTS, a municipal corporation, RALPH CLARBOUR, ALICE HARMS, FRANK PALMATIER, JAMES RYAN, THEODORE SALINSKY, and DWIGHT WALTON, in their official capacity as Trustees of the Village of Arlington Heights, JOHN WOODS, in his official capacity as Mayor of the Village of Arlington Heights, L. A. HANSON, in his official capacity as Village Manager of the Village of Arlington Heights, MARTIN MUNSON, in his official capacity as Director of Building and Zoning of the Village of Arlington Heights,

Defendants.

NORTHWEST OPPORTUNITY CENTER, INC., and ELUTERIA D. MALDONADO,

Intervenor-Plaintiffs.

No. 72 C 1453.

ORDER.

Defendants' motion to reconsider Judge Lynch's order of October 3, 1972 denying a motion to dismiss the Complaint

is hereby denied. The order appears to be supported by the pleadings and the law, and no new grounds for dismissal are raised by the defendants which did not exist at the time of Judge Lynch's order.

Since the case is now at issue, it will be called for a report on status on Tuesday January 16, 1973 at 10 a.m.

Enter:

/s/ THOMAS R. MCMILLEN,
Judge, U. S. District Court.

Jan. 2, 1973.

UNITED STATES DISTRICT COURT,
Northern District of Illinois,
Eastern Division.

METROPOLITAN HOUSING DEVELOPMENT CORPORATION, et al., *Plaintiffs,* *vs.* THE VILLAGE OF ARLINGTON HEIGHTS, et al., *Defendants.*	No. 72 C 1453

DECISION ON PLAINTIFFS' DISCOVERY MOTIONS.

Plaintiffs on May 24, 1973 filed two motions to compel discovery. The first motion requested an order to compel Joseph Kessler, an employee of defendant Village of Arlington Heights, to answer questions concerning his review of the plaintiff's petition for rezoning. This review was made before any lawsuit was filed and may or may not have been used by defendants in their action complained of in this case. The opinion is not privileged under F. R. C. P. 26(b)(3) or *Hickman* v. *Taylor,* 329 U. S. 495 (1947), and defendant should cause its employee to answer. Plaintiff's request for reasonable expenses in obtaining this order is continued dependent upon defendant's and the witness's compliance with this order.

The second motion is to require defendant Alice Harms, a member of the defendant's city council, to state the information which she had before her when she acted on plaintiffs' petition. This information may be admissible or could lead to admissible evidence. She should therefore answer such questions but need not answer other questions concerning her state of mind when voting. *Palmer* v. *Thompson,* 403 U. S. 217 (1971);

United States v. *O'Brien,* 391 U. S. 367 (1968); see also *Detroit United Railway* v. *City of Detroit,* 255 U. S. 171 at 178 (1921). No expenses are allowable on this motion, since defendant's refusal on one aspect was clearly justified.

Plaintiffs' motions for discovery filed May 24, 1973 are granted to the extent consistent with the foregoing decision.

Enter:

/s/ THOMAS R. MCMILLEN,
Judge, U. S. District Court.

July 10, 1973.

UNITED STATES DISTRICT COURT,
Northern District of Illinois,
Eastern Division.

METROPOLITAN HOUSING DEVELOPMENT CORPORATION, an Illinois not-for-profit Corporation, et al.,
Plaintiffs,
vs.
THE VILLAGE OF ARLINGTON HEIGHTS, a Municipal Corporation, et al.,
Defendants,
and
NORTHWEST OPPORTUNITY CENTER, INC., an Illinois not-for-profit Corporation, et al.,
Plaintiffs-Intervenors.

No. 72 C 1453

FINAL PRETRIAL ORDER.

I.

STIPULATION OF UNCONTESTED FACTS.

1. Plaintiff Metropolitan Housing Development Corporation ("MHDC"), 407 South Dearborn Street, Chicago, Illinois 60605 is a not-for-profit corporation organized under the laws of the State of Illinois in 1968 for the purpose of developing low-and moderate-income housing in the Chicago metropolitan area.

2. Intervening plaintiff Northwest Opportunity Center, Inc. ("NOC"), 3411 N. Kirchoff Road, Rolling Meadows, Illinois 60008 is a not-for-profit corporation organized under the laws of the State of Illinois in 1971.

3. Defendant Village of Arlington Heights is a municipal corporation organized under the laws of the State of Illinois.

4. Defendants Ralph Clarbour, Alice Harms, Frank Palatier, James Ryan, Theodore Salinsky, and Dwight Walton were, at the time of action on MHDC's request for rezoning, members of the Board of Trustees of defendant Village of Arlington Heights.

5. Defendant John Woods was the Mayor of Defendant Village of Arlington Heights.

6. Defendant L. A. Hanson is and was the Village Manager of defendant Village of Arlington Heights.

7. Defendant Martin Munsen is and was the Director of Building and Zoning of Defendant Village of Arlington Heights.

8. The Clerics of St. Viator is a Catholic religious order formed in 1890 and holds fee title to 80 acres of property including 15 acres where MHDC proposes to build a 236-development in Arlington Heights, Illinois. The 80-acre parcel is bounded on the west by Dryden Lane, on the north by Oakton Street, on the east by the west property line of homes fronting on Drury Lane and on the south by Euclid Avenue.

9. On November 7, 1970, the Clerics of St. Viator entered into a ninety-nine year lease and accompanying agreement to sell to MHDC the vacant parcel of fifteen acres (643,000 square feet) in the southeast corner of the 80 acres described as follows:

> That part of the East half of the Southeast quarter of the Northeast quarter of Section 29, Township 42 North, Range 11, East of the Third Principal Meridian, bounded and described as follows: Beginning at a point on the East line of said Southeast quarter of the Northeast quarter, 40 feet North of the Southeast corner thereof, thence West on North line of South 40.0 feet of said East half of Southeast quarter of Northeast quarter, a distance of 607.99 feet to the East line of the West 50.0 feet of said East half of the Southeast quarter of the Northeast quar-

ter; thence North on said East line of West 50.0 feet of the East half of the Southeast quarter of the Northeast quarter, a distance of 424.0 feet; thence east at right angles to last described course, a distance of 140 feet; thence Northeasterly on a line forming an angle of 59 degrees 30 minutes 00 seconds to the left from the prolongation of the last described course, a distance of 190.0 feet; thence Northwesterly at right angles to the last described course, a distance of 274.41 feet to said East line of West 50.0 feet of East half of the Southeast quarter of the Northeast quarter; thence North on said East line of West 50.0 feet of East half of the Southeast quarter of the Northeast quarter, a distance of 424.44 feet to the South line of the North 131.03 feet of said East half of the Southeast quarter of the Northeast quarter; thence East on said South line of North 131.03 feet of the East half of the Southeast quarter of the Northeast quarter, a distance of 609.18 feet to the East line of said Southeast quarter of the Northeast quarter; thence South on said East line of the Southeast quarter of the Northeast quarter, a distance of 1151.21 feet, more or less, to the place of beginning, all in Cook County, Illinois.

10. The subject 15 acres is bounded on the north by property owned by the Clerics of St. Viator containing a high school, recreation fields, and a nursery. It is bounded on the west by property owned by the Clerics of St. Viator containing a three-story novitiate with communal living facilities and a Montessori school. It is bounded on the east by the backyards of single-family residences facing Drury Lane. It is bounded on the south by Euclid Avenue.

11. The subject property is zoned R-3 in Arlington Heights, a single-family detached home residential district with a minimum lot size of 8,750 square feet.

12. MHDC proposed to build on the subject property a planned unit development in the Village of Arlington Heights with 190 single family attached homes (the "proposed development") under the R-5 multifamily zoning classification of the

Arlington Heights Zoning Ordinance or 12.7 units to the acre as follows:

a. The development would be built for low- and moderate-income families and individuals with subsidies as provided under Section 236 of the National Housing Act of 1968.

b. The housing would be clusters of two stories or less, with separate entrances and private patios.

c. The unit breakdown would be:

   i. 100 one-bedroom units, mostly for elderly;

   ii. 48 two-bedroom units;

   iii. 30 three-bedroom units;

   iv. 12 four-bedroom units.

d. The buildings would cover less than 12% of the property.

e. More than 61% of the property would be open space.

f. Mature trees along Euclid to be saved and planting screening would be provided along the backs of the single-family residences on Drury Lane.

13. On January 29, 1971, MHDC petitioned the Village of Arlington Heights to rezone the subject property from R-3 to R-5.

14. Prior to filing the petition and prior to public hearing, MHDC consulted with the Village staff for preliminary review of the development and in every instance in which changes were recommended by the staff, including changes in fire engine access, garbage disposal and drainage, such changes were incorporated in the MHDC plans.

15. Public hearings were held before the Plan Commission of Arlington Heights on March 3, 1971, April 21, 1971, and June 16, 1971.

16. The MHDC Board of Directors, to meet objections at public hearings:

a. passed a resolution on May 13, 1971 to retain permanent control of the development;

b. secured offers to manage the property from leading real estate managers;

c. passed a resolution agreeing to create a citizens advisory board to be selected by the Mayor of Arlington Heights to participate in planning and management of the development.

17. The Chairman of the Plan Commission read into the record reports of the Fire Chief, the Building Commissioner, the Director of Public Works, and the Acting Director of Engineering.

18. Nevertheless, on June 16, 1971, the Plan Commission voted 7 to 2 to recommend to the Village Board of Trustees that it reject MHDC's rezoning petition.

19. On September 28, 1971, the Village Board of Trustees heard presentations before voting 6 to 1 to deny MHDC's rezoning petition.

20. The Village Board of Arlington Heights approved the report of the Joint Study Committee on Low and Moderate Income Housing which recognized a need for and recommended development of 150 to 250 units of moderate-income housing and 50 units of low-income housing in Arlington Heights.

21. Arlington Heights had a population in 1970 of 64,884, more than twice its 1960 population of 27,878 and more than seven times its 1950 population of 8,768. The black population of Arlington Heights was 1 in 1950, 4 in 1960, and 27 in 1970.

22. The Village staff planner, Mr. Kesler, was not asked for nor did he give any written or oral opinion to the Plan Commission or the Village Board of Arlington Heights.

5.

List of Contested Issues of Fact and Law.

A.

Contested Issues of Fact.

1. Black persons who presently work in Arlington Heights cannot find decent housing in Arlington Heights at a price they can afford.
2. Black persons who presently work in Arlington Heights qualify for and seek the type of housing proposed to be built by MHDC.
3. Plaintiffs Isaac Greenwood, Arthur Guthrie, and Willie Ransom cannot find decent housing at a price they can afford in Arlington Heights.
4. Such Plaintiffs lived in overcrowded sub-standard housing outside Arlington Heights.
5. Isaac Greenwood lived in a segregated area with buildings having code violations. There is no public transportation between his home and his job in Arlington Heights and he, therefore, drives long distances daily at a cost of time and money.
6. The Greenwoods have been looking for, but have been unable to find, decent housing at a price they can afford in the vicinity of Mr. Greenwood's job. The Greenwoods seek, and are eligible for, housing of the type Plaintiff MHDC seeks to build in Arlington Heights.
7. Arthur Guthrie lived in a segregated area with buildings having building code violations.
8. There is no public transportation between his home and his job in Arlington Heights and he therefore drives the long distance daily, a time consuming trip involving excessive expense.

9. The Guthries have been looking for, but have been unable to find, decent housing at a price they could afford in the vicinity of Mr. Guthrie's job. The Guthries seek, and are eligible for, housing of the type Plaintiff MHDC seeks to build in Arlington Heights.
10. Willie Ransom lived in a segregated area with buildings having building code violations.
11. There is no public transportation between his home and his job in Arlington Heights and he therefore drives the long distance daily, a time-consuming trip involving excessive expense.
12. Plaintiff Ransom has sought, but has been unable to locate, adequate housing for himself and his sons in the vicinity of his job. Plaintiff Ransom seeks, and would qualify for, the housing which Plaintiff MHDC seeks to build in Arlington Heights.
13. Euclid Avenue is a heavily traveled road.
14. MHDC has expended in excess of $35,000 developing its proposal and preparing for hearings before the Arlington Heights Plan Commission and the Arlington Heights Trustees.
15. The failure of the Village of Arlington Heights to rezone the subject property from an R3 single-family classification to an R5 multiple-family classification is racially discriminatory in that it has the effect of preventing low and moderate income minority group members, who make up a substantial portion of the low and moderate income population of the Chicago area, from moving from areas of minority concentration to a white area, thereby denying them the opportunity to live in a decent integrated environment and perpetuating residential segregation in the Chicago area.
16. Arlington Heights is one part of the rapidly expanding white suburbs in the Chicago area which is witnessing the

development of most of the new employment facilities in the Chicago area.

17. The Centex Industrial Park was developed in the vicinity of Arlington Heights and contributes substantial amounts in taxes to High School District No. 214 serving Arlington Heights. A number of industries have also built plants within the Village limits of Arlington Heights, among them Honeywell, Inc. These plants employ large blue collar forces including substantial numbers of minority group employees.
18. Minority group employees have been unable to find decent housing in Arlington Heights, and must, therefore, commute long distances to their jobs in Arlington Heights. These workers subsidize residents of the Village by coming in in the morning to man tax-producing properties of the Village but must leave at night because the Village does not permit housing for them.
19. Because of the difficulty, time, and expense of commuting from ghetto areas to Arlington Heights, many minority group members are effectively discourage from seeking employment in Arlington Heights and the Centex Industrial Park.
20. At the same time white suburbs have become increasingly prosperous with the rapid increase in their tax bases as industry has moved to the suburbs, minority group members who work or desire to work in Arlington Heights have been confined to areas where the loss of an adequate tax base has meant deterioration of schools and municipal services.
21. Arlington Heights' exclusion of multi-family dwellings extends only to low and moderate income housing since the Village has often rezoned land for multi-family units designed for the relatively affluent.

22. The proposed rezoning is consistent with the Village's zoning policy and practice, is a reasonable use of the subject property, and meets a critical regional and community need. There are no compelling zoning and planning reasons for denying the rezoning application.
23. Property situated similarly to the subject property has been rezoned upon the landowner's request to R5. In numerous cases the rezoned property was adjacent to single-family and institutional uses.
24. The proposed development is consistent with Arlington Heights' zoning policy and practice as it concerns use of multi-family districts as transitional use districts or buffers between single-family districts and more intense uses.
25. The proposed development would not adversely affect public facilities available to service the subject property.
26. Tax revenues attributable to the proposed development would exceed municipal and school expenditures attributable thereto.
27. The proposed development will not adversely affect the character of the surrounding neighborhood and will not diminish property values.
28. Plaintiff Isaac Greenwood is a black citizen of the United States residing in Chicago, Illinois and employed by Honeywell, Inc. in Arlington Heights, Illinois.
29. Plaintiff Arthur Guthrie is a black citizen of the United States residing in Chicago, Illinois and employed by Honeywell, Inc. in Arlington Heights, Illinois.
30. Plaintiff Willie Ransom is a black citizen of the United States who resides in Evanston, Illinois and is employed by Honeywell, Inc. in Arlington Heights, Illinois.
31. Intervening plaintiff Eluteria D. Maldonado is a citizen of the United States residing in and working in Arlington Heights, Illinois.

32. The Northwest Opportunity Center was formed for the purpose of representing the interests of low and moderate-income residents of the northwest Cook County suburbs in Chicago, Illinois.
33. Isaac Greenwood, at the time of filing of the action, lived with his wife and three children in an apartment on the south side of Chicago.
34. Arthur Guthrie, at the time of filing of the action, lived with his wife and two sons in an apartment on the south side of Chicago.
35. Willie Ransom is divorced and at the time of filing of the action, lived with his minor son in an apartment in Evanston, Illinois.
36. R-3 allows a density of five units to an acre and with requirements of the ordinance approximately 60 single-family units could be built on the property.
37. The proposed development:
    a. would meet all requirements of Section 236 of the National Housing Act of 1968;
    b. is planned for moderate income families;
    c. will have an affirmative marketing program as required by the Department of Housing and Urban Development and be rented on an equal opportunity basis which will result in a racially integrated development.
38. The proposed development meets all requirements of R-5 zoning.
39. All but one of the reports of the Fire Chief, Building Commissioner, Director of Public Works and Acting Director of Engineering (that on water run-off) contained no mention of any problem. The report on water run-off suggested certain changes which MHDC then incorporated in its plans for the proposed development.

40. There is a need for decent housing for those who work or desire to work in Arlington Heights but cannot afford the housing presently available in the Village.

41. The Village of Arlington Heights has zoned its land predominantly for single-family houses which, absent subsidies, low and moderate income persons cannot afford. Although federal subsidies are available under the National Housing Act of 1968 for the construction of single-family houses, the cost of land in Arlington Heights and the cost of construction in the Chicago metropolitan area prevent the development of such low and moderate income housing in Arlington Heights.

42. In addition to the need for low and moderate income housing for nonresident workers and potential workers in Arlington Heights, there is a need, recognized by Arlington Heights itself, for low and moderate income housing for elderly residents of Arlington Heights who can neither afford to maintain and pay property taxes on single-family homes nor afford the apartments presently available in Arlington Heights.

43. When the decision was made by the Village Board of the Village of Arlington Heights on September 28, 1971, the Board members had no information before them other than that presented at the public hearings by MHDC and that adduced by the testimony at public hearings from witnesses from the audience and Village staff.

B.

(i)

Contested Issues of Law.

Certain contested issues of law have already been decided by orders of court on the 3rd of October, 1972 and on the 2nd of January, 1973 in favor of plaintiffs. Copies of such orders are

attached hereto and hereby made a part hereof as Exhibits J and K. The following remain as contested issues of law which are unresolved.

1. The refusal of the Village to rezone the subject property violates the Fourteenth Amendment of the United States Constitution, the Civil Rights Act of 1866 (42 U. S. C. § 1981, 1982), the Civil Rights Act of 1871 (42 U. S. C. § 1983), the Fair Housing Act of 1968 (42 U. S. C. §§ 3601 *et seq.*) and Article I, Section 2 of the Illinois Constitution and 24 Ill. Rev. Stat. § 11-13 *et seq.*

2. The action of the Village denying the use of property is unreasonable, arbitrary and capricious.

3. Defendant Village and Defendant Trustees, in refusing to rezone the subject property from R-3 to R-5, have discriminated against the individual plaintiffs by perpetuating racial segregation in housing and in so doing have denied the individual plaintiffs integrated housing opportunities and an opportunity to share in the environmental benefits of land-use planning, while extending those opportunities to wealthier whites who desire to live in Arlington Heights. Defendant Village and Defendant Trustees have violated the Fourteenth Amendment of the United States Constitution and the Civil Rights Act of 1866 (42 U. S. C. §§ 1981, 1982), the Civil Rights Act of 1871 (42 U. S. C. § 1982), the Fair Housing Act of 1968 (42 U. S. C. § 3601 *et seq.*) and Article I, Section 2 of the Illinois Constitution. In addition, such action, which results in the exclusion of racial minorities from the Village is not in the general welfare, thereby violating the Illinois Zoning Enabling Act, 24 Ill. Rev. Stat. § 11-13 et seq., and is beyond the police power of the state, thereby violating the due process clauses of the Fourteenth Amendment of the United States Constitution and of Article I, Section 2 of the Illinois Constitution.

4. Defendant Village and Defendant Trustees, by unreasonably, arbitrarily, and capriciously denying Plaintiff MHDC its

right to use the property in which it has an interest in a reasonable manner have violated the due process clause of the Fourteenth Amendment of the United States Constitution and Article I, Section 2 of the Illinois Constitution.

B.

(ii)

Defendants' Contested Issues of Law.

1. Is a substantial Federal question raised?

2. Is the single family residential zoning as a matter of law unreasonable?

3. Are the allegations of Complaint sufficient to overcome the presumption of validity of the zoning ordinance?

4. Is the Village of Arlington Heights required to use a different standard for low and moderate income housing than other types of land usage?

UNCONTESTED DOCUMENTS.

Plaintiffs' Exhibits.

1: Notice of public hearing published in Arlington Heights Herald, February 15, 1971. (Objected to by Defendants on basis of relevancy.) (Other objected exhibits are to relevancy).

2: MHDC re-zoning application to the Plan Commission of the Village of Arlington Heights, dated January 29, 1971.

3: MHDC petition for approval for a multiple-dwelling planned development within the Village of Arlington Heights. (Objected to.)

4: Certificate of title registered in volume 1698-1, page 56, of Cook County Registrar of Titles.

5: Lease between the Clerics of St. Viator, lessors and MHDC, lessees, dated November 7, 1970.

6: Plat of survey by Jon P. Tice, dated December 3, 1970, with additions to December 30, 1970.

7: Plans entitled "Lincoln Green" by Seymour S. Goldstein, architect (10-page group exhibit). (Objected to.)

8: Preliminary grading plan by W. A. Rakow & Associates. (Objected to.)

9: Lincoln Green Development alternative tax impact calculations by Salvatore V. Ferrara, June 15, 1971. (Objected to.)

10: Arlington Heights market study by MHDC, dated June 10, 1971. (Objected to.)

11: Analysis of Planning and Zoning Questions Related to Lincoln Green Development, by Norman Drummond, February 23, 1971. (Objected to.)

12: R-5 Buffers, by Norman Drummond, February 23, 1971. (Objected to).

13: Traffic Appraisal, Lincoln Green Residential Development, by Barton-Aschman Associates, Inc., March, 1971. (Objected to).

14: Preliminary engineering report by W. A. Rakow & Associates. (Objected to).

15: Reports to Village of Arlington Heights Plan Commission by Arlington Heights fire, building, public works, and engineering departments. (Objected to).

16: Agreement of purchase and sale between Clerics of St. Viators and MHDC, dated November 7, 1970. (Objected to).

17: Minutes of hearings before the Arlington Heights Plan Commission: March 3, 1971, April 21, 1971; June 16, 1971. (Objected to).

18: Estimate of Effective Demand for Low and Moderate Income Housing, O'Hare Airport Area, by Institute of Urban Life, June, 1970. (Objected to).

19: List of MHDC Board of Directors.

20: MHDC Board of Directors' Resolution.

21: Letter from Baird & Warner on Management. (Objected to).

22: Letter from Draper & Kramer on Management. (Objected to).

23: Letters to local management firm on management contract. (Objected to).

24: Market study on local need in Arlington Heights Area, presented at June 16, 1971 meeting of the Arlington Heights Plan Commission. (Objected to).

25: Village Brook Demographic Report on Section 236 Development in Carol Stream. (Objected to).

26: Revised Tax Impact Study presented at the June 16, 1971 meeting of the Arlington Heights Plan Commission. (Objected to).

27: Summary of Corporate Investors in Moderate-Income Housing. (Objected to).

28: FHA Regulatory Agreement (objected to).

29: Caruso letter to Father Anderson (objected to).

30: Torrens deed on Viatorian Land Purchase.

31: Third Zoning Report by Norman Drummond—"Physical Buffers" (objected to).

32: Fifth Zoning Report by Norman Drummond—"Transitional Use Districts" (objected to).

33: Sixth Zoning Report by Norman Drummond—"Apartment Zoning and High Schools" (Objected to).

34: Seventh Zoning Report by Norman Drummond—"Application of Apartment Policy in Arlington Heights to Lincoln Green".

35: MHDC Board Resolution on Arlington Heights Citizens' Advisory Board. (Objected to).

36: League of Women Voters of Arlington Heights—Mount Prospect statement to the Arlington Heights Plan Commission, March 3, 1971 and April 21, 1971. (Objected to).

37: Petition opposing changing zoning for the proposed Lincoln Green Development signed by 139 citizens. (Objected to).

38: Petitions of residents of the Village of Arlington Heights opposing zoning for the proposed Lincoln Green Development, alleged to contain 3,300 signatures. (Objected to).

39: List of Leadership Council for Metropolitan Open Communities board members.

40: Statements in support of Lincoln Green (sixty-one (61) signed statements received). (Objected to).

41: Statement of Policy on apartments—Arlington Heights Board of Trustees, May 4, 1970.

42: Minutes of the September 28, 1971 meeting of the Arlington Heights Board of Trustees.

43: Minority Report and Exhibit, Arlington Heights Plan Commission, June 16, 1971. (Objected to).

44: Study of the Cook County Office of Economic Opportunity on Arlington Heights, March, 1971. (objected to).

45: Report of the Joint Committee on Low-Moderate Income Housing of the Village of Arlington Heights. (Objected to).

46: Urban League Committee Study of Arlington Heights. (Objected to).

47: Regional Housing Coalition, Study of Suburban Housing Needs. (Objected to).

48: Group Exhibits—Newspaper Articles (Objected to).

49: Map of place of residence of persons working in Northwest Cook County. (objected to)

50: Group Exhibit—Tables of Economic Segregation in the suburbs. (objected to)

51: Map of MHDC site and surrounding land use. (objected to)

52: Zoning Map—R-5 Zoning (Arlington Heights) (objected to)

53: Zoning Map—Access to Community Facilities (Arlington Heights) (objected to)

Defendants' Exhibits.

1. Land use and zoning map prepared by Joe Kesler, Arlington Heights Planning Department.
2. Photographs of subject property prepared under supervision of Joe Kesler.
3. Traffic Study by Paul Box.
4. Zoning Ordinance—Village of Arlington Heights.
5. Zoning Map.
6. Qualifications of Joseph Kesler.
7. Qualifications of F. Gregory Opelka.
8. Qualifications of Rolf C. Campbell.
9. Qualifications of Paul C. Box.

LIST OF WITNESSES EXPECTED TO TESTIFY FOR DEFENDANTS.

Joseph Kesler
Municipal Building
33 South Arlington Heights Road
Arlington Heights, Illinois 60005

F. Gregory Opelka
Fairfield Savings & Loan Association
1601 North Milwaukee
Chicago, Illinois

Rolf C. Campbell
Rolf C. Campbell & Associates
21 North Skokie Highway
Lake Bluff, Illinois 60044

Paul C. Box
Paul C. Box & Associates
4050 Dobson
Skokie, Illinois 60076

John J. Walsh
Municipal Building
33 South Arlington Heights Road
Arlington Heights, Illinois 60005

Allen Sander
Municipal Building
33 South Arlington Heights Road
Arlington Heights, Illinois 60005

Edward C. Anderson, President
The Clerics of St. Viator
1100 Forest Avenue
Evanston, Illinois

LIST OF WITNESSES EXPECTED TO TESTIFY FOR PLAINTIFFS.

Clyde Brooks
Minority Industrial Relations Council
1115 North River Road
DesPlaines, Illinois 60016

Eugene Callahan
M. Myers Associates, Inc.
645 North Michigan Avenue
Chicago, Illinois 60611

Pierre deVise
College of Urban Sciences
University of Illinois—Chicago Circle Campus
601 South Morgan Street
Chicago, Illinois 60608

Norman Drummond
Associated Planners
210 Skokie Valley Road
Highland Park, Illinois 60035

John Ducey
1230 East Union Avenue
Fullerton, California 92631

Salvatore V. Ferrera
Executive Vice President
Metropolitan Housing Development Corporation—Plaintiff
407 South Dearborn Street
Chicago, Illinois 60605
(occurrence and expert)

James P. Foley
James P. Foley Associates, Inc.
180 North LaSalle Street
Chicago, Illinois 60601
(expert)

Patricia Gardner
Arlington Heights—Mt. Prospect League of Women Voters
408 South Bristol
Arlington Heights, Illinois

Seymour Goldstein
Seymour Goldstein & Associates
12 East Delaware Street
Chicago, Illinois 60611
(expert)

Harry Gottleib, Director
Regional Housing Coalition
407 South Dearborn Street
Chicago, Illinois 60605

Isaac Greenwood—Plaintiff
6507 South Stewart
Chicago, Illinois 60621

Arthur Guthrie—Plaintiff
10019 South Beverly
Chicago, Illinois 60643

Howard Kagey
Arlington Heights Homeowners Association
824 North Drury
Arlington Heights, Illinois 60008

John Kane
Metropolitan Housing Development Corporation—Plaintiff
407 South Dearborn Street
Chicago, Illinois 60605

John G. Langhenry
69 West Washington Street
Chicago, Illinois 60602

Thomas Larwin
Barton-Aschman Associates
1771 West Howard Street
Chicago, Illinois 60626

Eluteria D. Maldonado—Plaintiff-Intervenor
1652 Windsor Drive
Arlington Heights, Illinois 60008

Bruce Newton
Hector Martinez
Northwest Opportunity Center, Inc.—Plaintiff-Intervenor
3411 Kirchoff Road
Rolling Meadows, Illinois 60008

Willie Ransom—Plaintiff
1423 Dewey
Evanston, Illinois

Frank E. Steiner
U. S. Commission on Civil Rights
209 South Dearborn Street
Chicago, Illinois 60604

Robert B. Teska
Barton-Aschman Associates, Inc.
1771 West Howard Street
Chicago, Illinois 60626
(expert)

Alice Harms
c/o Village of Arlington Heights
Arlington Heights, Illinois 60008

John Best
c/o Village of Arlington Heights
Arlington Heights, Illinois 60008

Joseph Kesler
c/o Village of Arlington Heights
Arlington Heights, Illinois 60008

L. A. Hanson
Village Manager
c/o Village of Arlington Heights
Arlington Heights, Illinois 60008

Martin Munsen
Building Inspector
c/o Village of Arlington Heights
Arlington Heights, Illinois 60008

Dwight Walton
c/o Village of Arlington Heights
Arlington Heights, Illinois 60008

The qualifications of the expert witnesses listed herein are attached hereto with resumes, Exhibits A through I.

Exhibit A.

Pierre De Vise
6926 South Constance Avenue
Chicago, Illinois 60649
Phone: (312) 643-3514

Office: 70 BSB, University of Illinois at Chicago Circle
Box 4348
Chicago, Illinois 60680
Phone: (312) 996-5240

Education

Urban Studies, doctoral candidate, University of Chicago, current; Political Science, M.A., University of Chicago, 1958; Economics, B.A., University of Chicago, 1944; Liberal Arts, A.A. Wright City College, 1941.

Professional History

1973- College of Urban Sciences, UICC; 1971-1973 Illinois Regional Medical Program; 1963-1970 Hospital Planning Council for Metropolitan Chicago; 1962-Present DePaul University (part-time); 1962-1963 Chicago Department of City Planning; 1960-1961 Northeastern Illinois Planning Commission.

Professional Experience

1971-1973, Illinois Regional Medical Program,

As Assistant Director for Health Information, Mr. DeVise was responsible for coordinating the activities of IRMP in the area of health information and data collection, and for pro-

viding guidance in the development of data necessary for specific IRMP projects and programs.

1963-1970, Hospital Planning Council for Metropolitan Chicago.

As Assistant Director for Research, Mr. de Vise was responsible for determining community needs for current and future hospital beds, delineating hospital service districts to serve as planning units for the Hill-Burton Program, and preparing small area population projections.

As Principal Investigator of the Chicago Regional Hospital Study (1966-Present), Mr. de Vise is responsible for constructing simulation models capable of predicting and prescribing the geographical distribution of hospital facilities needed for future projected populations.

1962-1963, Chicago Department of City Planning.

As Senior Planner for the City of Chicago, Mr. de Vise was responsible for examining patterns and causes of change in location of residential, commercial and industrial land uses in the metropolitan area.

1960-1961, Northeastern Illinois Planning Commission.

As Research Planner for the State of Illinois, Mr. de Vise was responsible for studying factors underlying differential growth rates of suburban communities.

Assistant Professor, College of Urban Sciences University of Illinois at Chicago Circle, since 1973. Responsible for health planning specialization in the Master of Urban Planning and Policy Program.

Lecturer, Departments of Geography and Sociology, De Paul University, 1962-Present. Graduate level instruction in Economic Geography, Urban Geography, the Geography of Metropolitan Chicago, Population Analysis, and Urban Sociology.

Lecturer, Institute on Long-Range Planning for the Hospital, American Hospital Association, Summer 1966.

Lecturer, Institute on Community Health Planning, University of Michigan School of Public Health, Summer 1967.

Lecturer, Training for Consumer Participation in Health Planning, Center for Continuing Education, University of Chicago, Winter 1968.

Lecturer, Institute on Health Planning, Center for Health Administration Studies, University of Chicago, Spring 1969.

Lecturer, School of Public Health, University of Hawaii, March 1969.

Lecturer, School of Education, University of Chicago, July 1969, July 1970, March 1971.

Visiting Lecturer, University of Illinois, Medical School, since 1970.

Visiting Professor, Health and Hospital Administration Program, University of Iowa, February 1971.

Visiting Lecturer, University College, University of Chicago, since 1971.

Lecturer, Institute of Equal Education, University of Hartford, July 1971.

Lecturer, Center For Urban Studies, University of Akron, October 1971.

Lecturer, Institute of Politics, Harvard University, April 1972.

Instructor, Department of Preventive Medicine, University of Illinois at the Medical Center, since 1971.

Instructor, School of Public Health, University of Illinois, since 1972.

Visiting Professor, George Williams College, August 1972.

Professional Affiliations

American Association of Geographers; American Public Health Association; American Statistical Association, Vice

President, Chicago Chapter; Conference on Community Health Planning; Population Association of America.

Pierre de Vise

Personal Publications

A Social Geography of Metropolitan Chicago, Northeastern Illinois Planning Commission, 1961.

Suburban Factbook, Northeastern Illinois Planning Commission, 1961.

An Atlas of Chicago's People, Jobs, and Homes, Chicago Department of City Planning, 1963.

Chicago's Widening Color Gap, Chicago: Interuniversity Social Research Committee, 158 pp., 41 tables, 22 figures, December 1967.

"Negroes and Chicago's Comprehensive Plan," in Edwin Berry and William Stafford (eds.), Aspects of Urban Planning, Chicago Urban League, May 1968.

"Methods and Concepts of an Interdisciplinary Regional Hospital Study," Health Services Research, Vol. III, Number 3, Fall 1968, pp. 166-173.

Slum Medicine: Chicago's Apartheid Health System, Chicago: Interuniversity Social Research Committee, January 1969.

"White Future, Black Past: A Tale of Two Cities," Renewal, Vol. 9, Number 2, February 1969, pp. 8-13.

"Model Cities, A Forecast of Failures," New Chicago, May 16, 1969, p. 2.

"Local Characteristics of Chicago Area Communities," in Third Annual Metropolitan Chicago Industrial Development Guide, Section of the July 1969 issue of Commerce Magazine, Chicago Association of Commerce and Industry, pp. 42 *et seq.*

"Planning Emphasis Shifts to Consumers," Modern Hospital, Vol. 113, Number 3, September 1969.

"Medical Care . . . Chicago Style," New Chicago, October 17, 1969, p. 3.

"Chicago: A Victim of Its Own Success," Community, October 1969, pp. 8-17.

"Behavioral Bases of Changing Social Space," Ch. 11 in Brian J. L. Berry and Frank Horton, Geographic Perspectives on Urban Systems. Englewood Cliffs, New Jersey: Prentice-Hall, March 1970.

"We Spend Enough Money on Care for the Poor, But We Spend it Badly," Modern Hospital, May 1970, Vol. 114, Number 5, pp. 84-86, 148.

"Poverty and Government: Increasing Segregation and Polarization Mark the Chicago Regime," Focus/Midwest, Vol. 7, Number 48, pp. 12-13, 22-23.

"Chicago Hospitals—A Disaster," Focus/Midwest, Vol. 8, Number 51, pp. 14-19.

"America's Sick Health Government," Ch. 6 in American Politics in Transition from the Sixties to the Seventies, World Student Christian Federation, 1971, pp. 97-104.

"Social Pressures for Change," *Hospitals,* J. A. H. A., February 1, 1971, Vol. 45, pp. 51-55

"Cook County Hospital: Bulwark of Chicago's Apartheid Health System," *New Physician,* June 1971, pp. 394-398.

"Suburban Taxes—A Rigged Lottery," *Chicago Tribune,* September 10, 1971, p. 20.

"The Risks in Revenue Sharing," *FOCUS/Midwest,* Vol. 8, No. 53, 1971, pp. 10-11.

"Everything Has Its Price," Perspective, *Chicago Tribune,* October 18, 1971, p. 18.

"Chicago's Widening Color Gap: 1971," *Integrated Education,* November-December, 1971, Vol. IX, No. 6, pp. 37 to 42.

"Physician Needs for Illinois in the 1970's," *Health Planning in Illinois,* Fall 1971, Vol. II, No. 3, pp. 4 to 9.

"Cook County Hospital: Prototype of the Nation's Public Hospitals," *Antipode*, Vol. 3, No. 1, November 1971, pp. 9-20.

"Maldistribution of Physicians," *The New Physician*, October 1972, pp. 611-614.

"Jobs Follow Whites in Move to Suburbs: The Wasting of Chicago," *Daily Defender*, October 18, 1972, pp. 3, 8 and 11.

"Physician Migration from Inland to Costal States: Antipodal Examples of Illinois and California," *Journal of Medical Education*, Februray 1973, 48:2, pp. 141-151.

"Chicago, 1971: Ready for Another Fire?" Ch. 3 in *Geographical Perspectives on American Poverty*, Richard Peet, editor, Antipode Monographs in Social Geography, Number One, 1972.

"The Wasting of Chicago," *FOCUS/Midwest*, Vol. 9, No. 58, 1973, pp. 7-9.

"Where the Suburbs Are Heading," *Lerner-Life Newspapers*, March 1, 1973, Section 3, page 1.

Misused and Misplaced Hospitals and Doctors, Resource Paper Number 21, Commission on College Geography, Washington, D. C., Association of American Geographers, 1973.

"One Way Out of the Urban Maze: Unclog Ryan, Building Crosstown," *Chicago Tribune*, Perspective, April 8, 1973, Section 2, pp. 1 and 2.

"America's Ailing Health System," *Public Welfare*, The Journal of the American Public Welfare Association, Spring, 1973, Vol. 31, No. 2, pp. 18-23.

"Murder, Chicago Style: Myths and Realities of Urban Violence," *The Critic*, May-June 1973, Vol. XXXI, No. 5, pp. 26-33.

Agency Publications (principal, major, and minor contributor).

Outdoor Recreation: Needs and Preferences of the People of the Chicago Area, Northeastern Illinois Planning Commission, August 1961 (major).

The Demand for Boating, Fishing, Hunting, and Skiing Among Residents of Metropolitan Chicago, Northeastern Illinois Planning Commission, August 1961 (principal).

School District Organization and Finances in the Chicago Metropolitan Area, Northeastern Illinois Planning Commission, October 1961 (principal).

Community Renewal Program Report, Chicago Department of City Planning, March 1964 (minor).

Basic Policies for the Comprehensive Plan of Chicago, Chicago Department of City Planning, August 1964 (minor).

Basic Planning Studies on Metropolitan Chicago, Technical Report No. 1, Hospital Planning Council for Metropolitan Chicago, April 1965 (principal).

Hospital Study Districts for Metropolitan Chicago, Technical Report No. 2, Hospital Planning Council for Metropolitan Chicago, April 1966 (principal).

"Population Estimates for Municipalities and Counties in the Chicago Consolidated Area," Hospital Planning Council for Metropolitan Chicago, annual since 1964 (principal).

"Median Family Income and Home Value of Municipalities in Metropolitan Chicago," Hospital Planning Council for Metropolitan Chicago, 1966, 1968; Illinois Regional Medical Program, 1970 (principal).

Annual Report, Hospital Planning Council for Metropolitan Chicago, 1964 to 1970 (minor).

Biographies

Who's Who in the Midwest, since 1970.

Article by Gregg Ramshaw in *Chicago Today Magazine*, March 1, 1970, pp. 7-11.

Article by Lois Wille in *Inland Architect*, May 1970, 14:4, pp. 20-22.

Article by Cornelia Honchar in *Chicago Tribune*, Sunday, May 28, 1972, p. 11.

Article by Anthony Monahan in *Midwest*, The Chicago Sun-Times Magazine, Sunday, June 17, 1973, pp. 6-9.

Exhibit B.

Norman Drummond, AIP
Partner

In 1966 Norman Drummond was appointed Director of the Lake County (Illinois) Regional Planning Commission. His public agency planning career began in the offices of the Lorain County (Ohio) Regional Planning Commission. Between 1957 and 1969 he gained broad experience in city and regional planning, neighborhood redevelopment, site planning, and administration. In addition to being Director of the Lake County agency from 1966 to 1969 he was Chairman of the Community Shelter Plan Technical Advisory Committee, Secretary of the Lake County Housing Study, and a member of the Lake County Transportation Study Policy Committee.

Prior to forming Associated Planners, Norman Drummond operated his own planning consulting firm. He was planning consultant to the Illinois Zoning Laws Study Commission and helped draft a new zoning enabling law for Illinois.

As an undergraduate Norman Drummond studied both architecture and sociology at The Ohio State University. In 1961 he was appointed J. C. Nichols Fellow of the Urban Land Institute at Ohio State where he received his Master of City Planning degree in 1963.

Norman Drummond is a member of the American Institute of Planners, the American Society of Planning Officials, and the

Illinois Planning and Conservation League. He has lectured on planning related subjects for the University of Illinois and the Illinois Bar Association, and teaches a public service course on planning and zoning at the College of Lake County. He has published articles in the proceedings of the Institute on Zoning and the Handbook of the Institute for Continuing Legal Education.

Norman Drummond, AIP
Partner

Member:

American Institute of Planners; American Society of Planning Officials; Illinois Planning and Conservation League.

Education:

The Ohio State University; B. A.; The Ohio State University; M. C. P.; J. C. Nichols Fellow of the Urban Land Institute.

Experience:

Norman Drummond Planning
President

Consulting:

State of Illinois, Zoning Laws Study Commission; Delavan Lake Improvement Association; Metropolitan Housing Development Corporation; Mobile Home Management Corporation; Elmhurst, Illinois; Waukegan Port District.

Land Development:

Mid-City Developers Inc., Washington, D. C.; Keepper/Nagle Real Estate Investments, Inc.; N. H. Engle and Sons (planned development); Larsen Industrial Park; Diamond Lake Partnership (planned development); Webber Duck Farm (recreational vehicle park).

Land Use Controls:

Lake County, Mobile Home Park Ordinance.

Expert Testimony:

North Shore Sanitary District; Libertyville Countryside Association; Harry Young, Attorney at Law; Jack Gould and Co.; Louis W. Brydges, Attorney at Law; Grayslake, Illinois.

Lake County Regional Planning Commission
Director

Comprehensive Community Planning:

Grayslake, Illinois; Wauconda, Illinois; Gurnee, Illinois; Mundelein, Illinois; Round Lake, Illinois; Round Lake Beach, Illinois; Round Lake Park, Illinois; Lake Bluff, Illinois.

Regional Planning:

Lake County Transportation Study; Open Space Study; Population Forecast; Land Use Plan; Natural Resources Study Design; Lake County Housing Study.

Special Studies:

Enrollment Forecast School District 115; Quality of a Region; Site Location Study for a Mental Health Facility; Des Plaines River Study; Community Shelter Plan, Lake County, Illinois.

Land Use Controls:

Zoning Ordinance, Lake County; Subdivision Regulation, Lake County; Planned Unit Development Ordinance, Lake County; Subdivision Regulation, Long Grove, Illinois.

Expert Testimony:

Grayslake, Illinois; Lake County, Illinois.

The Ohio State University
Research Associate.

The Impact of Shopping Centers on Secondary Retail Locations.

Ohio Department of Industrial and Economic Development
Senior Planner

Review of 701 Planning Projects.

Office of Campus Planning, OSU
Senior Planner

Site Planning; Neighborhood Redevelopment Planning.

Lorain County Regional Planning Commission
Planner

Open Space and Recreation Study, Lorain County, Ohio; A Plan for Fire Station Locations, Elyria, Ohio.

Articles:

"The Planning Process", *Land Use and Zoning in Illinois;* The Institute for Continuing Legal Education, Springfield, Illinois.

"Changing the Planning and Zoning Relationship", *Change*: *The Recurring Zoning Issue;* Proceedings of the Institute on Zoning, University of Illinois at Urbana-Champaign Bureau of Urban and Regional Planning Research, Department of Urban and Regional Planning, May 1970.

Lectures:

"The Planning Process", Land Use and Zoning Short Course, The Institute for Continuing Legal Education at Springfield, Urbana, Rockford and Chicago.

"Changing the Planning and Zoning Relationship", Institute on Zoning, Bureau of Community Planning, University of Illinois at Pere Marquette State Park, Grafton, Illinois.

"Ecology and Urban Design" for a course entitled *Introduction to the Urban Planning Profession,* University of Illinois at Urbana-Champaign.

Exhibit C.

Dr. Salvatore Ferrera
838 Fair Oaks, Oak Park, Illinois 60302 312/383-7566

Married, six children 5′ 9″ 160 pounds 40 years old

Housing Development 1969 to present Metropolitan Housing Development Corporation, Chicago. *Executive Vice President*, non-profit corporation developing low and moderate income housing in the Chicago metropolitan area. Responsible for $500,000.00 in development funds; direct a staff of professionals including planners, housing experts, real estate brokers, and consultants in Architecture, Design, Law and Mortgage Banking.

Consulting Experience 1967 to 1969 Barton-Aschman Associates, Chicago, Illinois. *Associate with Engineering and Planning Consultants*, responsible as Project Director for $160,000 in new promotions. Work included Mass Transit Planning, Transportation Research, Marketing and Economic Feasibility Studies, Housing Studies and Urban Information Systems Studies.

Research Experience 1963 to 1967 Chicago Area Transportation Study—Planning Agency. *Director of Research and Planning*. Supervised 25 researchers with graduate degrees in engineering, urban planning, geography, economics, sociology, demography, statistics and systems research. Research program included Economic and Demographic Forecasting, Quantitative Models for Urban Development, Future Travel Demand, and Traffic Simulation; and Economic Models for Benefit-Cost Analysis and Evaluation of Transportation Plans.

Education 1969 University of Chicago—Graduate School of Economics. *Ph.D. in Economics, March, 1969*. Dissertation: "The Effects of Urban Renewal on Property Values in Chicago." Ph.D. qualifying exams in economic theory, money and banking, and international economic theory; concentration in statistics and econometrics.

1962 to 1963 *Held Relm Foundation Fellowship in Urban Economics*. Did research in Urban Economics Workshop.

1961 Researched U. S. Balance of Payments problem including econometric study of "Substitution Elasticities of U. S. Exports w.r.t. European Exports."

1958 *Relm Foundation Research Grant* to study "Effects of Inflation on Major Countries of the World, 1900-1950," published as a statistical appendix in Dr. Freidrich Van Hayek's *The Constitution of Liberty*.

1956/1958 Held Earhart Foundation Fellowship in Economics.

1958 *M. S., December, 1958*. Thesis: "Some Theoretical Aspects of the Marginal Utility of Money."

1951 to 1956 Northwestern University, Evanston, Illinois. *B. S. In Industrial Engineering, June, 1956*. Economics minor with emphasis on statistics, mathematics (through calculus) and other quantitative methods of analysis. Elected to Student Governing Board during senior year.

Teaching Experience 1961-1962 De Paul University, Chicago, Illinois. Instructor of Finance. Taught Business, Corporate and International Finance, Money and Banking, and Principles of Economics.

1958 to 1961 University of Illinois, Chicago, Illinois. Instructor of Economics and Statistics; taught Money and Banking, Statistics, Interpretation of Business Data.

Summers 1957-1960 Indiana University, East Chicago, Indiana. Instructor of Economics.

Engineering Experience 1957 Western Electric Company, Cicero, Illinois. Industrial Engineer in Statistical Quality Control Laboratory.

1956 Johnson and Johnson Company, Chicago, Illinois. Industrial Engineer in Industrial Relations Department doing statistical wage surveys, job evaluation, and preparation of wage structures.

1953 to 1956 H. M. Harper Company, Morton Grove, Illinois, Automatic Electric Company, Chicago, Illinois. Industrial Engineer including Methods Engineering, Testing, Standard Costing, and Statistical Quality Control.

Personal Background. Born and raised in Chicago, attended public schools, graduated Lane Technical High School, active in student government both high school and college, married in 1956, wife a graduate of Mundelein College, Chicago.

Professional Activities. Member, *National Academy of Science*, Highway Research Board, Committee on Land Use Evaluation and Urban Development Models.

Member, Editorial Advisory Board of *"Transportation Research,"* an international journal of the Institute of Transportation, U. C. L. A.

Member, American Economic Association; American Institute of Planners; American Statistical Association; Urban and Regional Information Systems Association.

Exhibit D.

Oct. 18, 1973

Seymour S. Goldstein
Architects Ltd.
910 North Ernst Court
Chicago, Illinois 60611
312-787-0328.

ARCHITECT'S EXPERIENCE, BACKGROUND, AND ACCOMPLISHMENTS

The architect, has twenty years housing experience with the last eight years almost exclusively devoted to moderate and low income housing, utilizing federal sponsored programs of 221(d)(3), and 236. He has completed the second phase of a highly successful moderate income project utilizing the Planned Unit Development concept in Rockford, Illinois. His office had recently completed the building of a large housing complex in Chicago at 18th and Kostner and another at 37th & Lake Park. These are the first developments in this region using the 236 program.

The office has two moderate income projects, awarded by the DUR, in the Lincoln Park Project I. One project entails five city blocks of mixed moderate, middle and low income in a planned development.

The architect has a home in this area and has involved himself in community action for some years. He was Chairman of the Planning Committee of Lincoln Park Conservation Association. This office also was responsible for a number of buildings, new and remodeled, adjacent to, or within this area of development.

The office is presently engaged in three large federal or state sponsored programs—two being within the City of Chicago and

one being a large planned unit development in the Metropolitan Area.

He has been witness in many zoning hearings on planned developments for projects in Chicago and outlying areas. Including Addison, Schaumburg, Streamwood, Waukegan and Joliet in Illinois; in Milwaukee and Madison Wisconsin; in Detroit Michigan; in Denver Colorado, and Stockholm Sweden as zoning expert and architect of the projects.

Exhibit H.

QUALIFICATIONS AND BUSINESS RESUME OF JAMES P. FOLEY, S. R. P. A., M. A. I.

General Industry Experience.

Nineteen years experience in Real Estate Appraising, Sales Management, Development and Mortgage Lending in the Chicago Metropolitan Area and States of Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Washington, West Virginia, Wisconsin and Wyoming.

Real Estate Appraiser and Real Estate Consultant.

1954-1957: Mortgage Loan and Real Estate, Investment Department, Prudential Insurance Company of America, Chicago, Illinois.

1957-1960: Armond D. King, Inc., Real Estate, Skokie Illinois.

1960-1964: Assistant Vice President, Greenebaum Mortgage Company, Chicago, Illinois.

1964-1973: James P. Foley Associates, Inc., Real Estate Appraisers—Real Estate Consultants, Chicago, Illinois.

Clientele Profile.

Life and Casualty Insurance Companies; State, National and Savings Banks; Institutional and Private Investors; Attorneys; State, Federal and Local Governmental Agencies; School Districts; Federal Housing Administration; Small Business Administration; Expert in Zoning and Condemnation Matters in Circuit and Superior Court, Cook, DuPage and Will Counties, Illinois.

Active Membership.

Chicago Mortgage Bankers Association
Chicago, Illinois

Senior Real Property Appraiser
Society of Real Estate Appraisers
Chicago, Illinois

Chicago Real Estate Board
Chicago, Illinois

American Institute of Real Estate Appraisers-Certificate No. 3372
Chicago, Illinois

General Education.

Bachelor of Arts Degree, 1950, Social Science Major, DePaul University, Chicago, Illinois.

Special Education.

Courses I and II, American Institute of Real Estate Appraisers and Various Real Estate Courses, Central Y. M. C. A. Community College, Chicago, Illinois.

Educational Activities.

Dean of Course and Instructor in Principles and Techniques of Residential Appraising, Society of Real Estate Appraisers.

Lecturer and Guest Speaker before Various Corporate Management, Real Estate Industry Seminars, and Civic Organizations.

The Appraiser's entire business career has been in Real Estate except for the period immediately following College, 1950-1952, during which time he was employed by Continental Grain Company, and 1952-1954, when he was in the United States Army.

James P. Foley Associates, Inc. was formed in 1964 at 111 West Washington Street, Chicago, Illinois, and moved to 180 North LaSalle Street, Chicago, Illinois, in 1973. The firm, which has twenty full-time employees, was incorporated in Illinois in 1969. The Charter permits Real Estate Appraising and Real Estate Consultation and the Corporation or its employees are not active in any other real estate functions or businesses. Business references and clientele references are furnished upon request and only with the explicit permission of parties or clientele involved.

Exhibit I.

RESUME OF CLYDE BROOKS.

I have a Masters Degree in the Social Sciences from Western Illinois University. I have lived in the suburbs of Elk Grove Village since 1965.

In terms of employment, I am currently a consultant to Civil Industries in the area of affirmative action. I am also currently the President of the Minority Industrial Relations Council, which is an organization consisting of 30 major suburban corporations who are required by law to employ and upgrade minorities and females. That job involves the promotion of housing opportunities for poor and minority people.

I'm the President of the Suburban Chapter of the Southern Christian Leadership Conference, an organization that is committed to housing opportunities for all Americans. We are working diligently and aggressively in that area in the suburbs. I am also connnected with the Minority Information Referral Center, Inc., which is located in Des Plaines, Illinois. The purpose

for that center is to promote employment, housing and business opportunities for minorities.

I am a consultant to Scotts Forsman Publishing Co., Blue Cross, and I'm a college professor at Harper College in Palatine as a sociology instructor.

1966-1973: Cook County Office of Economic Opportunity; area director in charge of poverty programs in North Cook County, which includes Arlington Heights.

All of my activities since moving to Elk Grove Village the eight or nine years has involved the suburbs.

Prior to 1966 when I joined CCOEO, I was with the Sears Cooperative Project in Lawndale as a director of that program. My job involved directing cultural, social, economic opportunities for poor and minority people in the Lawndale area.

Prior to that, I have been a high school teacher, an elementary teacher, a probation officer with juvenile court, and an employee with the Commission on Youth Welfare.

UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted In Printing.]

STIPULATION.

It is hereby stipulated by and between the parties that the Final Pretrial Order may be amended to strike Mr. Thomas Larwin as a witness for the Plaintiffs and include Mr. Neil Kenig in his stead.

.....

Attorney for the Plaintiffs,

.....

Attorney for the Defendants.

Prepared by:

F. WILLIS CARUSO,
407 South Dearborn Street,
Chicago, Illinois 60605,
341-9345.

UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted In Printing.]

STIPULATION AS TO ADDITIONAL UNCONTESTED DOCUMENTS.

It is hereby STIPULATED by and between the parties that Plaintiffs Exhibit 54 which is a model of the MHDC development may be added to the final pretrial order having inadvertently been left out at the time of preparation of such order. Such Exhibit is objected to by Defendants on the grounds of relevancy.

.....

Attorney for the Plaintiffs,

.....

Attorney for the Defendants.

Prepared by:

F. WILLIS CARUSO,
407 South Dearborn Street,
Chicago, Illinois 60605,
341-9345.

UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted In Printing.]

STIPULATION.

It is hereby stipulated by and between the parties that the pretrial order, heretofore filed herein, be amended by adding to the defendants' exhibits, the following:

10. Summary of Rejected Multiple-Family Zoning Proposals, 1962 to Present, prepared under supervision of Joseph Kesler.

11. Map showing requests for multiple-family zoning district, turned down.

12. Key Map of Drummond Study.

13. Map showing vacant multiple-family zoning at time of application.

14. Group of photographs showing area surrounding subject property.

15. Key Map for photographs.

Plaintiffs may add an additional witness Thomas Coulter.

VILLAGE OF ARLINGTON HEIGHTS, et al.,
Defendants,

By /s/ JACK M. SIEGEL,
Their Attorney.

JACK M. SIEGEL,
39 South LaSalle Street,
Chicago, Illinois 60603,
263-2968.

METROPOLITAN HOUSING DEVELOPMENT CORPORATION, et al.,
Plaintiffs,

By /s/ F. WILLIS CARUSO,
Their Attorney.

F. WILLIS CARUSO,
407 South Dearborn Street,
Chicago, Illinois 60605,
341-9345.

UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

[Title Omitted In Printing.]

AMENDMENT TO PRETRIAL ORDER.

The final pretrial order, heretofore filed herein, be and it is hereby amended by adding to defendants' exhibits, the following:

10. Summary of Rejected Multiple-Family Zoning Proposals, 1962 to Present, prepared under superivsion of Joseph Kesler.

11. Map showing requests for multiple-family zoning district, turned down.

12. Key Map of Drummond Study.

13. Map showing vacant multiple-family zoning at time of application.

14. Group of photographs showing area surrounding subject property.

15. Key Map for photographs.

Plaintiff may add Thomas Coulter as a witness.

VILLAGE OF ARLINGTON HEIGHTS, et al.,
Defendants,

By /s/ JACK M. SIEGEL,
Their Attorney.

JACK M. SIEGEL,
39 South LaSalle Street,
Chicago, Illinois 60603,
263-2968.

UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

Name of Presiding Judge, Honorable Thomas R. McMillen.

Cause No. 72 C 1453. Date February 22, 1974.

Title of Cause—Metropolitan Housing Development Corp. v. The Village of Arlington Heights, et al. and Northwest Opportunity Center.

Enter decision that judgment is entered on the Complaint and on the Intervening Complaint in favor of the defendants.

(Draft.)

McMillen, J.

UNITED STATES DISTRICT COURT,
For the Northern District of Illinois,
Eastern Division.

METROPOLITAN HOUSING DEVELOPMENT CORPORATION, an Illinois not-for-profit corporation, and
ISAAC GREENWOOD, ARTHUR GUTHRIE, and WILLIE RANSOM, on their own behalf and on behalf of all others similarly situated,
Plaintiffs,
vs.
THE VILLAGE OF ARLINGTON HEIGHTS, a municipal corporation, et al.,
Defendants,
and
NORTHWEST OPPORTUNITY CENTER, INC., an Illinois not-for-profit corporation, and ELUTERIA D. MALDONADO,
Plaintiffs-Intervenors.

File Number 72 C 1453

NOTICE OF APPEAL.

Notice is hereby given that Metropolitan Housing Development Corporation, Isaac Greenwood, Arthur Guthrie, Willie Ransom, Northwest Opportunity Center, Inc., and Eluteria D. Maldonado, plaintiffs and plaintiffs-intervenors above named, hereby appeal to the United States Court of Appeals for the Seventh Circuit from the final judgment entered in this action on the 22nd day of February, 1974.

March 22, 1974.

/s/ ROBERT G. SCHWEMM,
Attorney for Plaintiffs and Plaintiffs-Intervenors.

ROBERT G. SCHWEMM,
407 South Dearborn Street,
Chicago, Illinois 60605,
341-9345.

CERTIFICATE OF SERVICE.

I hereby certify that on this 6th day of June, 1974, I served the foregoing Appendix upon Jack M. Siegel, attorney for defendants-appellees, by mailing two copies thereof by first-class pre-paid mail to said attorney at his offices at 39 S. LaSalle Street, Chicago, Illinois 60603.

/s/ ROBERT G. SCHWEMM,
Attorney for Plaintiffs-Appellants and Intervening Plaintiffs-Appellants.

OPINION BY JUDGE SWYGERT.
(Judge Fairchild dissenting.)

UNITED STATES COURT OF APPEALS,
For the Seventh Circuit,
Chicago, Illinois 60604.

June 10, 1975

Before

HON. THOMAS E. FAIRCHILD, *Chief Judge,*
HON. LUTHER M. SWYGERT, *Circuit Judge,*
HON. ROBERT A. SPRECHER, *Circuit Judge.*

METROPOLITAN HOUSING DEVELOPMENT CORPORATION, etc., et al.,
Plaintiffs-Appellants,

No. 74-1326

vs.

THE VILLAGE OF ARLINGTON HEIGHTS, etc., et al.,
Defendants-Appellees,

NORTHWEST OPPORTUNITY CENTER, INC., et al.,
Intervening Plaintiffs-Appellants.

} Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

This cause came on to be heard on the transcript of the record from the United States District Court for the Northern District of Illinois, Eastern Division, and was argued by counsel.

On consideration whereof, it is ordered and adjudged by this court that the judgment of the said District Court in this cause appealed from be, and the same is hereby, reversed, with costs, and this cause be and the same is hereby remanded to the said district court for entry of judgment in accordance with the opinion of this court filed this day.

FILED
JAN

APPENDIX—VOLUME II.—EXHIBITS.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975.

No. 75-616

METROPOLITAN HOUSING DEVELOPMENT CORPORATION, ET AL.,
Respondents.

vs.

THE VILLAGE OF ARLINGTON HEIGHTS, ET AL.,
Petitioners.

NORTHWEST OPPORTUNITY CENTER AND ELUTERIA D. MALDONADO.
Intervening Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Gunthorp-Warren Printing Company, Chicago • Financial 6-6565

Plaintiffs' Exhibit 51—
Map of Area 113

Plaintiffs' Exhibit 52—
R-5 Zoning 114

Defendants' Exhibit 1—
Existing Land Use, Existing Zoning 115

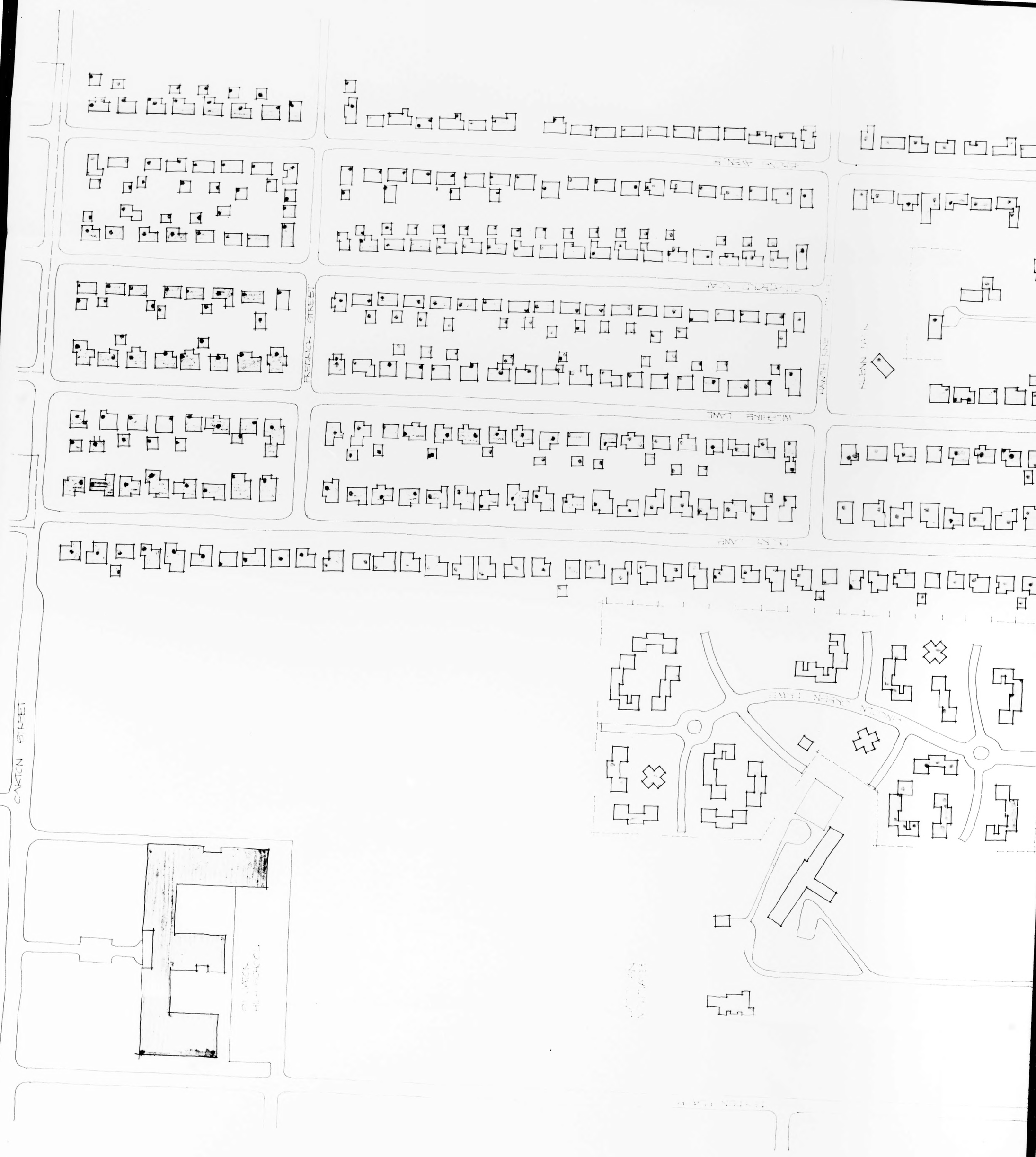
Defendants' Exhibit 2—
Photographs of Subject Site and Adjacent Areas ..116-117

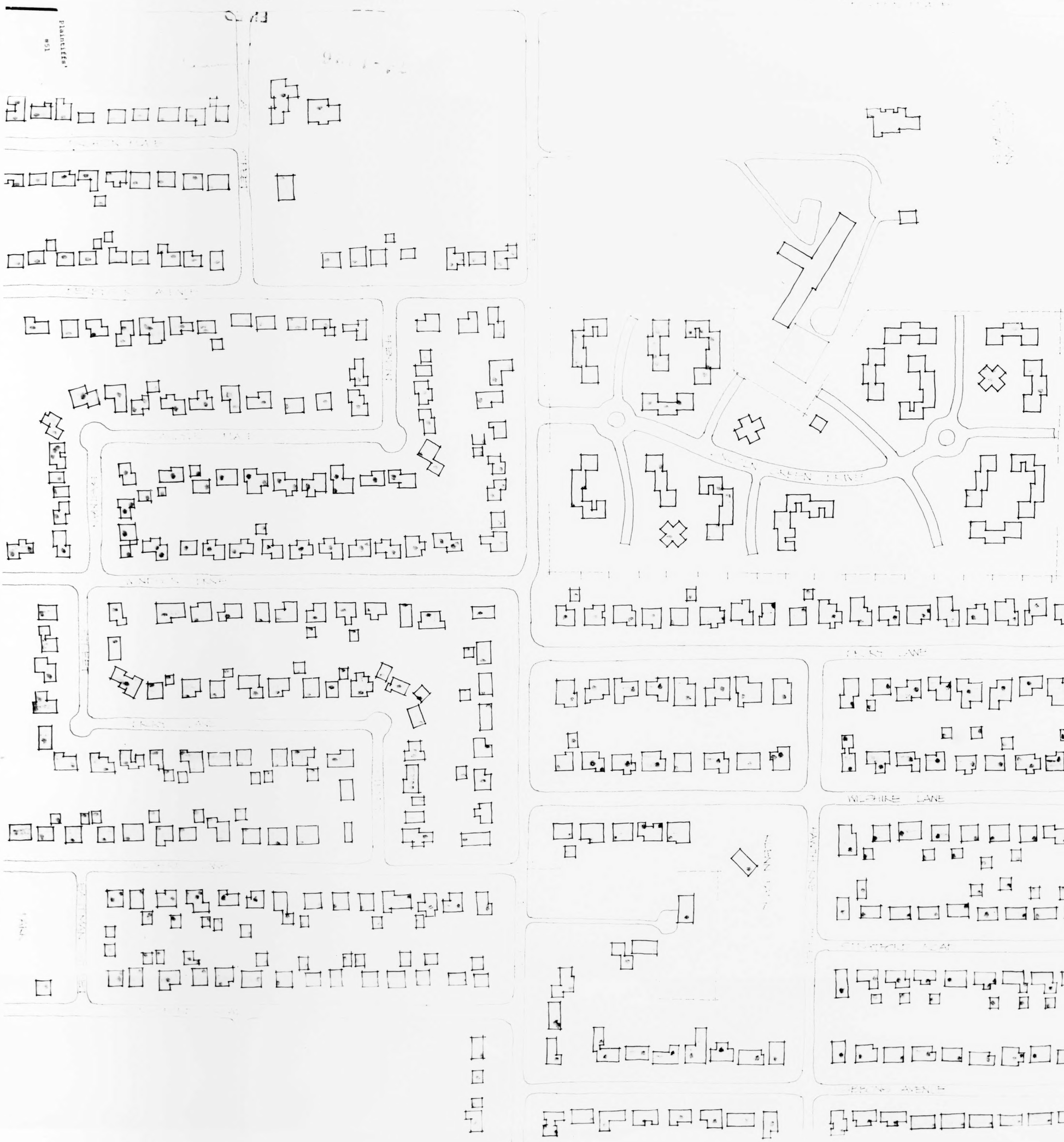
Defendants' Exhibit 11—
Requests for Multiple Family Zoning 118

Defendants' Exhibit 12—
Key Map for Multiple Family Zoning Area 119

Defendants' Exhibit 13—
Land Zoned but Not Developed for Multi-Family .. 120

Defendants' Exhibit 14—
Photographs of South Side of Euclid Avenue, West Side of Drury Lane, and West Side of Dryden Avenue 121-123


FREDERICK STREET
CASTON STREET

Plaintiffs' #51

VILLAGE OF ARLINGTON HEIGHTS

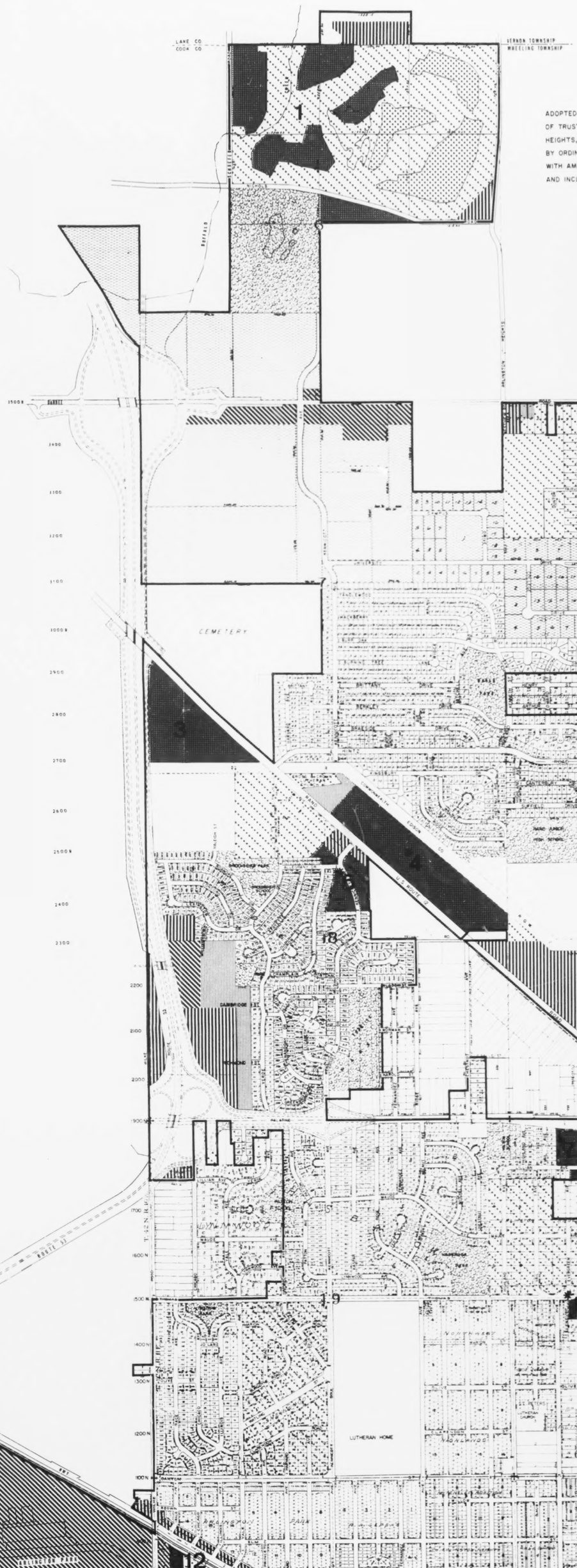
COOK COUNTY, ILLINOIS.

R-5 ZONING

NOTE

Numbers refer to report.

* Indicates adjacent single family homes.



ADOPTED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS, COUNTY OF COOK, STATE OF ILLINOIS. BY ORDINANCE THE 21st DAY OF DECEMBER 1959 WITH AMENDMENTS AND MAP REVISIONS UP TO AND INCLUDING MARCH 31, 1970

ZONING MAP

SYMBOL		PERMISSIVE USE
	R-1	ONE-FAMILY DWELLING DISTRICT
	R-2	ONE-FAMILY DWELLING DISTRICT
	R-3	ONE FAMILY DWELLING DISTRICT
	R-4	TWO FAMILY DWELLING DISTRICT
	R-5	MULTIPLE-FAMILY DWELLING DISTRICT
	R-6	MULTIPLE-FAMILY DWELLING DISTRICT *
	I	INSTITUTIONAL DISTRICT
	B-1	BUSINESS DISTRICT LIMITED RETAIL
	B-2	GENERAL BUSINESS DISTRICT

SYMBOL		PERMISSIVE USE
	B-3	GENERAL SERVICE WHOLESALE & MOTOR VEHICLE DISTRICT
	B-4	LIMITED SERVICE DISTRICT
	B-5	CENTRAL BUSINESS DISTRICT
	O-R	OFFICE & RESEARCH DISTRICT
P	P	OFF STREET PARKING DISTRICT
	M-1	LIMITED MANUFACTURING DISTRICT
	M-2	CONDITIONAL MANUFACTURING DISTRICT
	M-1A	RESEARCH DEVELOPM'T AND MANUFACTURING DISTRICT
		SCHOOLS, PARKS AND OTHER PUBLIC USES

* REFER TO SECTION 11.7-2 OF THE ZONING REGULATIONS FOR "R-6" LOT AREA PER DWELLING UNIT BY LOCATION.

STREET INDEX

STREET NAME	DIRECTION	LOCATION	LOCATION
ADAMS AVE. (SEE DOUGLAS)	N-S	600 E	1600 N
ALEXANDRIA CT.	E-W	2200 N	1100 W
ALGONQUIN RD. (ILL. R 62)	NW/SE	2100 W	Continuous
ALLEGHANY DR.	E-W	2500 N	1100 W
ANNE CT.	N-S	2700 E	1650 N
APPLETREE LN.	E-W	2300 N	900 E
ARLINGTON HTS. RD. (FORMERLY STATE RD.)	N-S	200 E	Continuous
ARTHUR AVE.	N-S	1400 E	600 S
AVINGTON CT.	E-W	2700 N	*OP E
AVON LN.	E-W	1700 N	1900 E
BANBURY DR.	N-S	600 E	500 S
BELLATRIX DR.	E-W	*OP N-S	2900 E
BELMONT AVE.	N-S	400 E	Intermittent
BERKLEY DR.	E-W	2500 N	1200 W
BEVERLY LN.	N-S	550 E	Intermittent
BIRCHWOOD LN.	N-S	2200 E	2100 N
BRADFORD DR.	N-S	750 E	2500 N
BRADLEY PL.	E-W	2700 N	100 E
BRANDENBERRY CT.	E-W	1200 N	2500 E
BRIAR PL.	E-W	2950 N	900 E
BRITANNIA LN.	N-S	1200 E	2650 S
BRIGHTON PL.	N-S	1100 E	Intermittent
BRISTOL LN.	N-S	600 E	500 S
BRITTANY TR.	E-W	2450 N	400 W
BROOK DR.	E-W	2650 S	600 E
BRUMMOND DR.	E-W	2500 N	1000 E
BRUNN CT.	E-W	1000 N	1600 W
BUFFALO GROVE ROAD	N-S	1400 E	1900 N
BURNETTE RD.	E-W	1100 N	1900 W
BUSKER DR.	N-S	900 E	2100 N
BUSKIRK PARK LN.	E-W	1900 N	600 W
BUTTERCUP DR.	E-W	2950 N	Intermittent
BUTTON PL.	N-S	500 E	Intermittent
BYRON RD.	N-S	1500 E	Intermittent
CAMBRIDGE DR.	E-W	2700 N	1300 W
CAMBRIDGE ST.	E-W	2200 N	1300 W
CAMP McDONALD RD.	E-W	1100 N	2600 E
CAMPBELL ST.	E-W	N-S Base	Intermittent
CAMPUS DR.	E-W	3200 N	100 W
CANTERBURY DR.	E-W	2650 N	*OP
CARLYLE PL.	N-S	1100 E	Intermittent
CATINO ST.	E-W	650 S	500 W
CEDAR CT.	E-W	1400 S	*OP E-W
CEDAR GLEN DR.	N-S	1000 E	2400 S
CENTER LN.	N-S	2100 E	1250 N
CENTRAL RD.	E-W	1000 S	Continuous
CHAMPLAIN ST.	N-S	1000 W	2400 N
CHATHAM PL.	N-S	1300 E	100 S
CHERRY HILL DR.	N-S	2700 N	1500 W
CHERRY LN.	E-W	2150 N	500 E
CHESTERFIELD DR.	N-S	200 W	1700 S
CHESTNUT AVE.	N-S	100 W	Intermittent
CHICAGO AVE.	N-S	1630 W	Intermittent
CIRCLE HILL DR.	E-W	2150 N	400 E
CLARENCE AVE.	N-S	1200 E	1800 N
CLARENDON AVE. & ST.	E-W	1200 N	Intermittent
CLEARWATER DR.	N-S	700 E	2600 S
CLEVELAND AVE.	N-S	1200 E	600 S
COLLEGE DR.	E-W	1000 N	*OP
CONCORD DR.	E-W	2400 N	1500 W
COTTONWOOD LN.	E-W	350 N	1300 W
CUMMELL TR.	E-W	1700 S	300 E
CRABTREE DR.	NW/SE	2150 N	1000 E
CRESTWOOD DR.	E-W	2200 N	700 E
CYPRESS ST.	E-W	1200 W	Intermittent
DALE AVE.	N-S	2630 E	Intermittent
DAVID ST.	NW/SE	100 S	Intermittent
DEBSTER ST.	E-W	2700 S	1500 E
DERBYSHIRE AVE. & LN.	N-S	1200 E	Intermittent
DONALD AVE.	N-S	2130 E	Intermittent
DOROTHY AVE.	N-S	700 E	1750 N
DORSET ST.	E-W	1350 N	2700 E
DOUGLAS AVE.	N-S	600 E	Intermittent
DOVER LN.	N-S	1525 N	1700 E
DRURY LN.	N-S	1500 E	Intermittent
DUNTON AVE. & PL.	N-S	1000 E	Intermittent
DUNDEE RD.	E-W	3500 N	Continuous
DUNTON AVE.	N-S	*OP E-W	Intermittent
DWYER AVE.	N-S	1200 W	Intermittent
EASTMAN ST.	E-W	300 N	Intermittent
EASTWOOD ST.	E-W	700 E	2000 N
EDWARD ST.	N-S	*OP E.	2900 N
ELIZABETH DR.	N-S	1060 W	2100 N
ELK GROVE RD.	N-S	1800 W	2000 S
ELM LN.	N-S	2700 N	850 E
ELMWOOD CIRCLE	E-W	900 N	Intermittent
EMERSON LN.	E-W	1950 N	2000 E
EMERSON ST.	N-S	800 E	2400 S
ENGLISH ST.	E-W	1600 W	300 E
ERMAN AVE.	N-S	2800 E	1600 N
ESCUELA AVE.	E-W	600 N	Continuous
EVANSTON AVE.	N-S	2500 E	Intermittent
EVERGREEN AVE.	N-S	100 E	Intermittent
EVERGREEN TERR.	N-S	1500 E	2000 N

74-1326

FILED

APR 17 1974

H. STUART CUNNINGHAM

o'clock

CLERK

DOCKETED

FILED

APR 29 1974

THOMAS F. STRUBBE
CLERK

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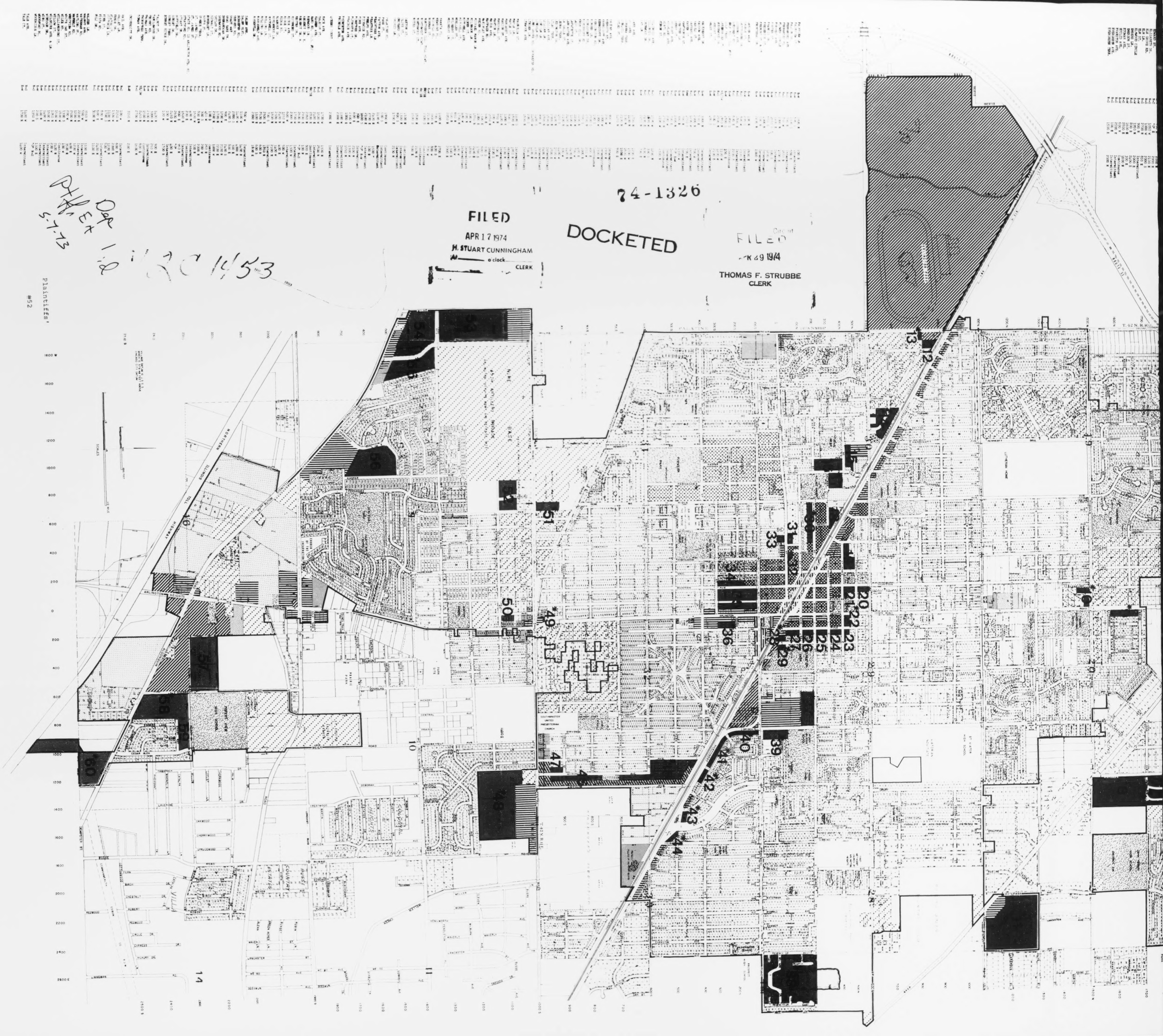
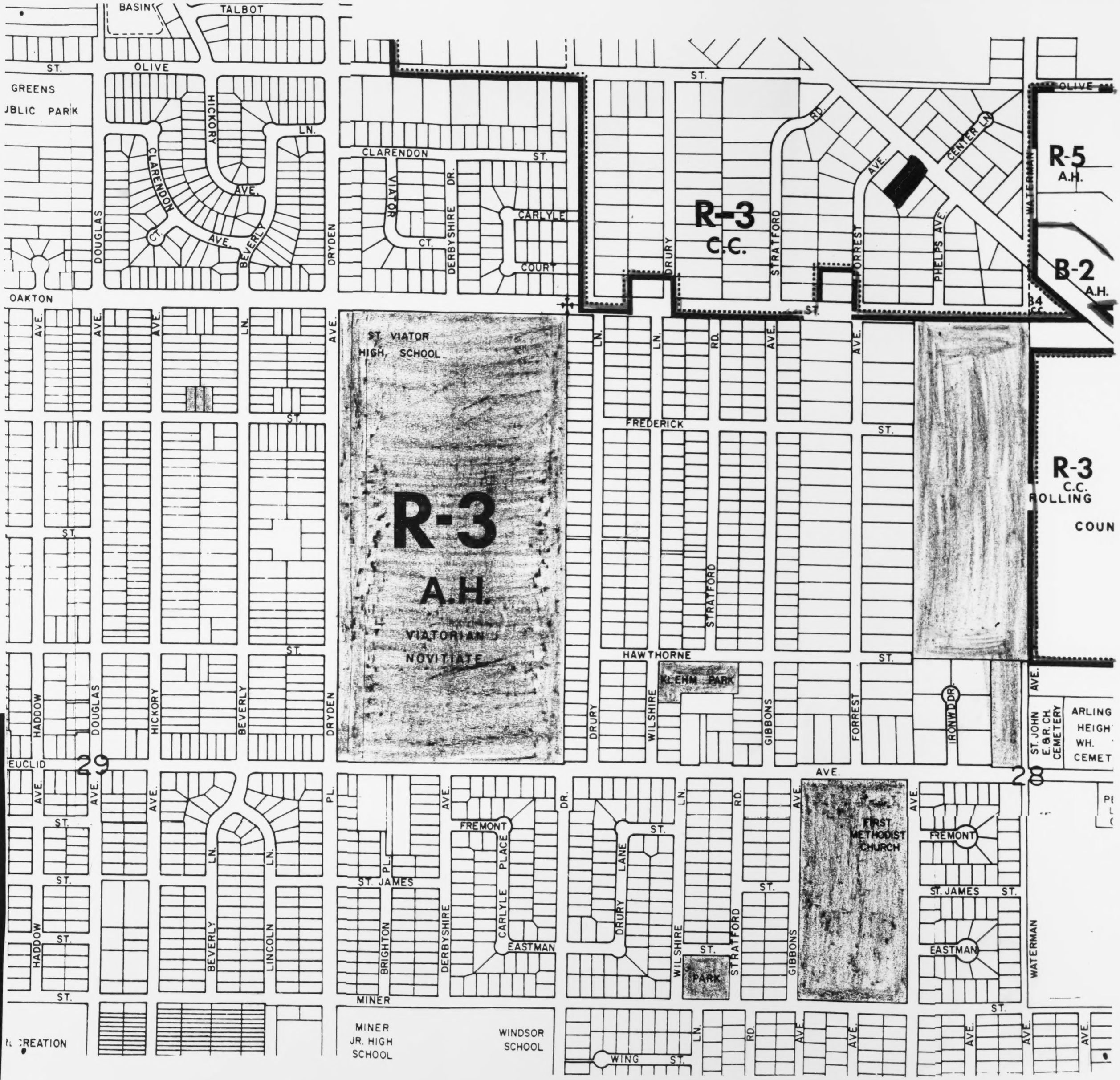




SINGLE FAMILY

MULTI-FAMILY

BUSINESS

INSTITUTIONAL

SCHOOLS & PARKS

EXISTING LAND USE

EXISTING ZONING

APPENDIX E

E1

DEFENDANT'S EXHIBIT NO. 1

18

NORTH

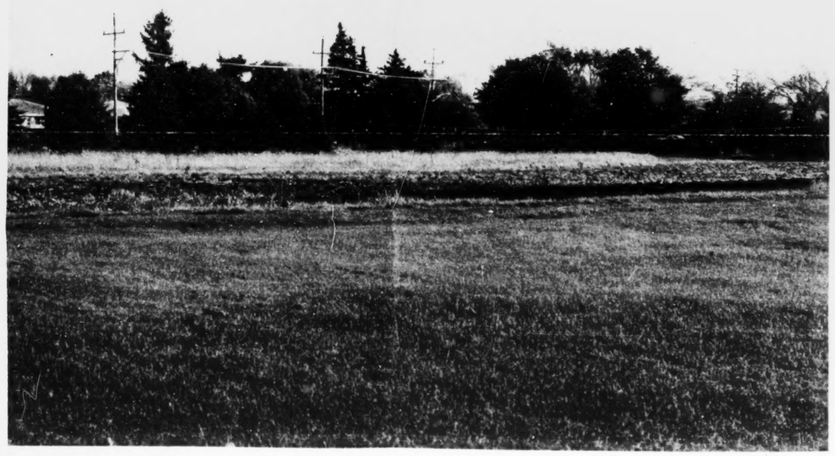
19

NORTH

20

SOUTHEAST

24



SOUTHEAST

25

SOUTH

26

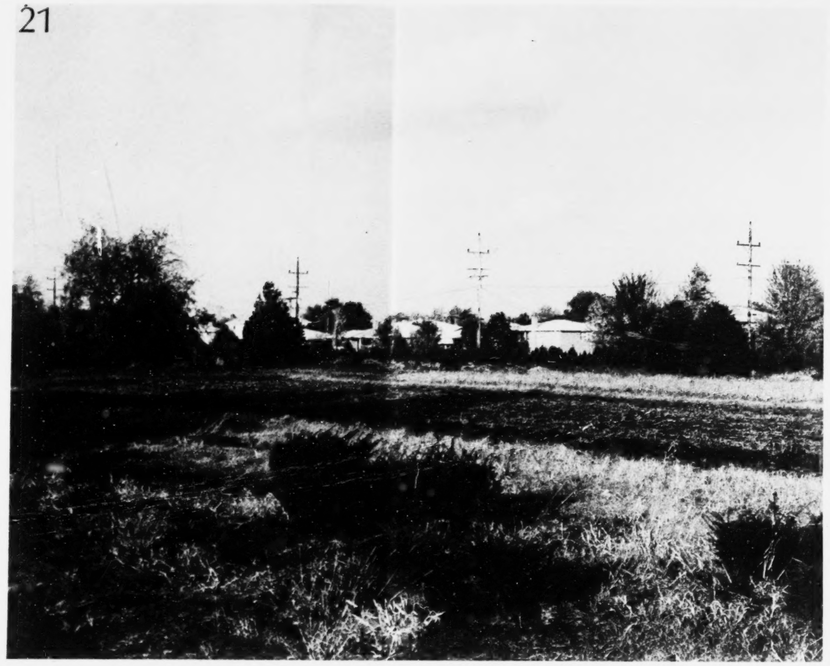
EAST

APPENDIX F

F1

DEFENDANT'S EXHIBIT NO. 2

21



NORTHEAST

22

SOUTH

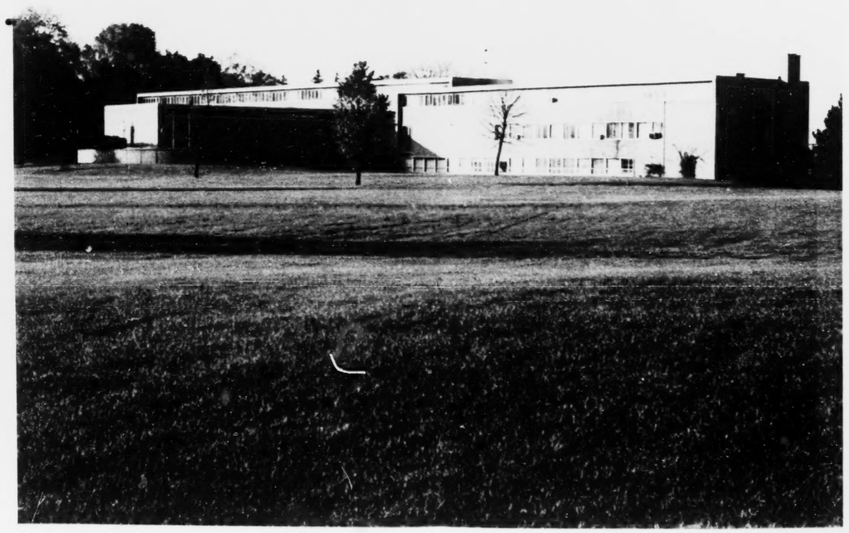
23

EAST

27

EAST

28



NORTHWEST

29

EAST

F2

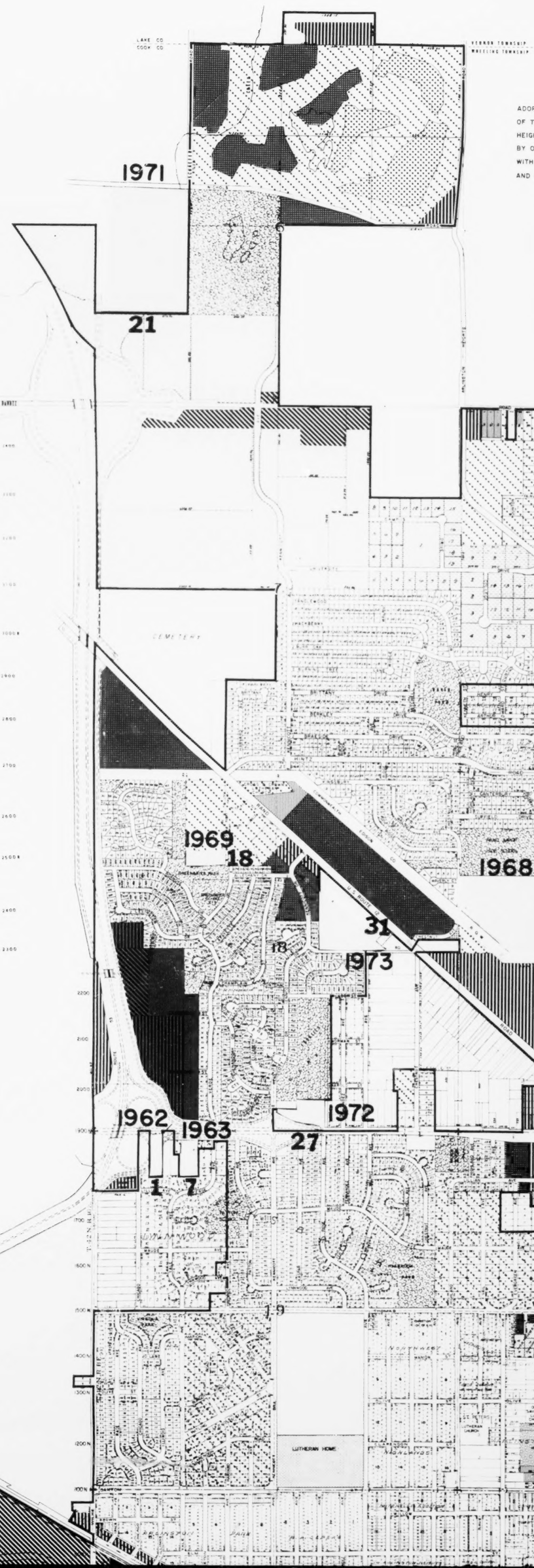
DEFENDANT'S EXHIBIT NO. 2

Ex 11.

VILLAGE OF ARLINGTON HEIGHTS

COOK COUNTY, ILLINOIS.

ZONING MAP

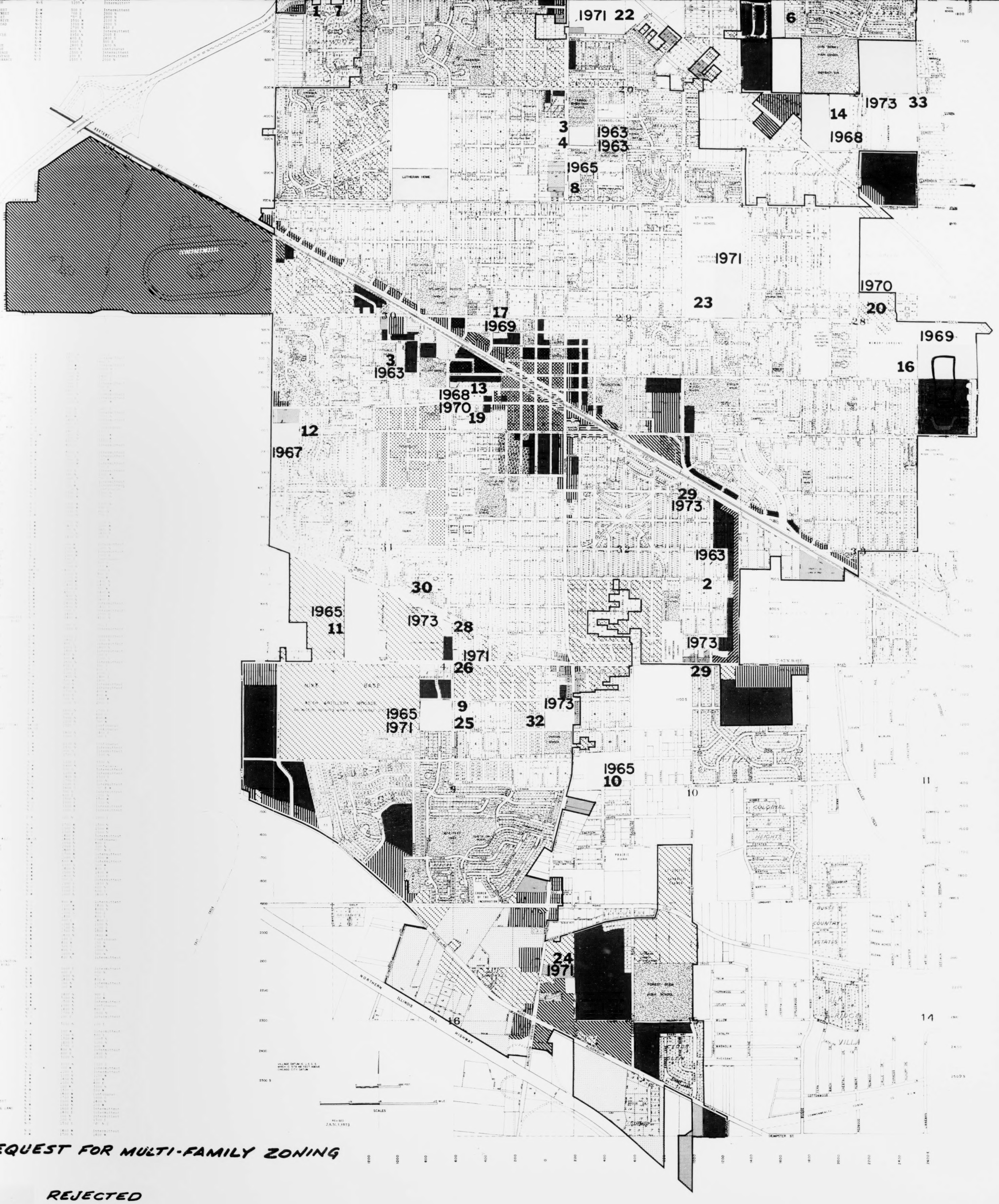


ADOPTED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS, COUNTY OF COOK, STATE OF ILLINOIS, BY ORDINANCE THE 21st DAY OF DECEMBER 1959 WITH AMENDMENTS AND MAP REVISIONS UP TO AND INCLUDING JANUARY 1, 1973

SYMBOL		PERMISSIVE USE
	R-1	ONE-FAMILY DWELLING DISTRICT
	R-2	ONE-FAMILY DWELLING DISTRICT
	R-3	ONE FAMILY DWELLING DISTRICT
	R-4	TWO FAMILY DWELLING DISTRICT
	R-5	MULTIPLE-FAMILY DWELLING DISTRICT
	R-6	MULTIPLE-FAMILY DWELLING DISTRICT *
	I	INSTITUTIONAL DISTRICT
	B-1	BUSINESS DISTRICT LIMITED RETAIL
	B-2	GENERAL BUSINESS DISTRICT

SYMBOL		PERMISSIVE USE
	B-3	GENERAL SERVICE WHOLESALE & MOTOR VEHICLE DISTRICT
	B-4	LIMITED SERVICE DISTRICT
	B-5	CENTRAL BUSINESS DISTRICT
	O-R	OFFICE & RESEARCH DISTRICT
P	P	OFF STREET PARKING DISTRICT
	M-1	LIMITED MANUFACTURING DISTRICT
	M-2	CONDITIONAL MANUFACTURING DISTRICT
	M-1A	RESEARCH DEVELOPM'T AND MANUFACTURING DISTRICT
		SCHOOLS, PARKS AND OTHER PUBLIC USES

* REFER TO SECTION 11.7-2 OF THE ZONING REGULATIONS FOR "R-6" LOT AREA PER DWELLING UNIT BY LOCATION.



REQUEST FOR MULTI-FAMILY ZONING

REJECTED

APPROVED

Ex. 12

VILLAGE OF ARLINGTON HEIGHTS

COOK COUNTY, ILLINOIS.

ZONING MAP

SYMBOL		PERMISSIVE USE
	R-1	ONE-FAMILY DWELLING DISTRICT
	R-2	ONE-FAMILY DWELLING DISTRICT
	R-3	ONE FAMILY DWELLING DISTRICT
	R-4	TWO FAMILY DWELLING DISTRICT
	R-5	MULTIPLE-FAMILY DWELLING DISTRICT
	R-6	MULTIPLE-FAMILY DWELLING DISTRICT *
	I	INSTITUTIONAL DISTRICT
	B-1	BUSINESS DISTRICT LIMITED RETAIL
	B-2	GENERAL BUSINESS DISTRICT

SYMBOL		PERMISSIVE USE
	B-3	GENERAL SERVICE WHOLESALE & MOTOR VEHICLE DISTRICT
	B-4	LIMITED SERVICE DISTRICT
	B-5	CENTRAL BUSINESS DISTRICT
	O-R	OFFICE & RESEARCH DISTRICT
P	P	OFF STREET PARKING DISTRICT
	M-1	LIMITED MANUFACTURING DISTRICT
	M-2	CONDITIONAL MANUFACTURING DISTRICT
	M-1A	RESEARCH DEVELOPM'T AND MANUFACTURING DISTRICT
		SCHOOLS, PARKS AND OTHER PUBLIC USES

* REFER TO SECTION 11.7-2 OF THE ZONING REGULATIONS FOR "R-6" LOT AREA PER DWELLING UNIT BY LOCATION.

ADOPTED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS, COUNTY OF COOK, STATE OF ILLINOIS, BY ORDINANCE THE 21ST DAY OF DECEMBER 1959 WITH AMENDMENTS AND MAP REVISIONS UP TO AND INCLUDING JANUARY 1, 1973

VILLAGE OF ARLINGTON HEIGHTS

MUNICIPAL BUILDING
33 S. ARLINGTON HTS. RD.

POLICE DEPARTMENT
33 S. ARLINGTON HTS. RD.

PUBLIC LIBRARY
500 N. DUNTON AVE.

FIRE STATIONS
33 S. ARLINGTON HTS. RD.
2000 S. ARLINGTON HTS. RD.
709 N. ARLINGTON HTS. RD.
3030 N. ARLINGTON HTS. RD.

MUNICIPAL GARAGE
222 N. RIDGE AVENUE

U.S. POST OFFICE
105 W. EIGHTH AVENUE

CHURCHES

CROSS & CROWN LUTHERAN CHURCH
1522 W. RAND ROAD
EVANGELICAL FREE CHURCH
1114 N. BELMONT AVENUE
ARLINGTON COUNTRYSIDE CHAPEL
916 E. HINTZ ROAD
CONGREGATIONAL CHURCH OF A. H.
1901 W. KIRCHHOFF ROAD
CHRISTIAN CHURCH OF A. H.
115 W. THOMAS STREET
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
1255 N. WINDSOR DRIVE
FAITH EVANGELICAL LUTHERAN
431 S. ARLINGTON HTS. RD.
FIRST PRESBYTERIAN CHURCH OF A.H.
512 N. DUNTON AVENUE
FIRST BAPTIST CHURCH
121 W. CAMPBELL STREET
ST. JAMES CATHOLIC CHURCH
620 N. ARLINGTON HTS. RD.
ST. CECELIA'S CATHOLIC CHURCH
1818 S. MEIER ROAD

FIRST METHODIST CHURCH OF A. H.
1905 E. EUCLID AVENUE
FIRST CHURCH OF CHRIST SCIENTIST
401 S. EVERGREEN AVENUE
LUTHERAN CHURCH OF THE CROSS
2525 S. GOEBBERT ROAD
OUR SAVIOR'S EVANGELICAL LUTHERAN
1234 N. ARLINGTON HTS. RD.
OUR LADY OF THE WAYSIDE CATHOLIC
432 S. MITCHELL AVENUE
CHURCH OF THE INCARNATION
550 W. GOLF ROAD
SOUTHMINSTER UNITED PRESBYTERIAN
916 E. CENTRAL ROAD
ST. EDNA'S CATHOLIC CHURCH
2525 N. ARLINGTON HTS. RD.
ST. JOHN UNITED CHURCH OF CHRIST
314 N. EVERGREEN AVENUE
ST. PETER LUTHERAN CHURCH
111 W. OLIVE STREET
ST. SIMON'S EPISCOPAL CHURCH
719 W. KIRCHHOFF ROAD
UNITY NORTHWEST CHURCH
2801 E. PALATINE ROAD

PUBLIC SCHOOLS

A. H. TOWNSHIP HIGH SCHOOL
502 W. EUCLID AVENUE
BERKELEY SCHOOL
2501 N. CHESTNUT AVENUE
FOREST VIEW HIGH SCHOOL
2121 S. GOEBBERT ROAD
JOHN HERSEY HIGH SCHOOL
1900 E. THOMAS STREET
PROSPECT HIGH SCHOOL
801 W. KINGSTON ROAD
MAC ARTHUR JR. HIGH SCHOOL
700 N. SCHOENBECK RD.
MINER JR. HIGH SCHOOL
1701 E. MINER STREET
SOUTH JR. HIGH SCHOOL
514 S. HIGHLAND AVENUE
THOMAS JR. HIGH SCHOOL
105 E. THOMAS STREET
RAND JR. HIGH SCHOOL
2550 N. ARLINGTON HTS. RD.
DRYDEN SCHOOL
722 S. DRYDEN AVENUE
PATTON SCHOOL
1616 N. PATTON AVENUE
RIDGE SCHOOL
800 N. FERNANDEZ AVENUE
ROSS SCHOOL
700 N. SCHOENBECK RD., P.H.
JAMES WHITCOMB RILEY SCHOOL
2955 N. WINDSOR DRIVE

SULLIVAN SCHOOL
700 N. SCHOENBECK RD., P.H.
DUNTON SCHOOL
1220 S. DUNTON AVENUE
GREENBRIER SCHOOL
2330 N. VERDE DRIVE
IVY HILL SCHOOL
2211 N. BURKE DRIVE
DWYER SCHOOL
500 S. DWYER AVENUE
JULIETTE LOW SCHOOL
1530 S. HIGHLAND AVENUE
KENSINGTON SCHOOL
201 S. EVANSTON AVENUE
NORTH SCHOOL
410 N. ARLINGTON HTS. RD.
OLIVE SCHOOL
303 E. OLIVE STREET
EDGAR ALLAN POE SCHOOL
2800 N. HIGHLAND AVENUE
PARK SCHOOL
306 W. PARK STREET
WESTGATE SCHOOL
1211 W. GROVE STREET
WILSON SCHOOL
15 E. PALATINE ROAD
WINDSOR SCHOOL
1315 E. MINER STREET

PAROCHIAL SCHOOLS

ST. JAMES CATHOLIC SCHOOL
821 N. ARLINGTON HTS. RD.
ST. JAMES JR. HIGH SCHOOL
808 N. ARLINGTON HTS. RD.
ST. PETER LUTHERAN SCHOOL
111 W. OLIVE STREET
ST. VIATOR'S HIGH SCHOOL
1213 E. DAKTON STREET

OUR LADY OF THE WAYSIDE SCHOOL
432 S. MITCHELL AVENUE
OUR LADY OF THE WAYSIDE JR. HIGH
455 S. RIDGE AVENUE
VIATORIAN NOVITIATE
1212 E. EUCLID AVENUE

HOSPITAL

NORTHWEST COMMUNITY HOSPITAL
800 W. CENTRAL ROAD

U. S. ARMY HEADQUARTERS

45TH ARTILLERY BRIGADE
WILKE & CENTRAL ROAD

ARLINGTON PARK

ARLINGTON PARK TOWERS
3400 W. EUCLID AVENUE
ARLINGTON PARK RACE TRACK
2200 W. EUCLID AVENUE

ARLINGTON PARK THEATRE
3400 W. EUCLID AVENUE

PARKS

WAR MEMORIAL PARK
FREMONT & CHESTNUT AVENUES

FIELD HOUSES & SWIMMING POOLS

RECREATION PARK
500 E. MINER STREET
FRONTIER PARK
1933 N. KENNICOTT DRIVE
OLYMPIC PARK & POOL
660 N. RIDGE AVENUE

PIONEER PARK
500 S. FERNANDEZ AVENUE
HERITAGE PARK
506 W. VICTORIA LANE
CAMELOT PARK
1005 E. SUFFIELD DRIVE

PLAYGROUND APPARATUS

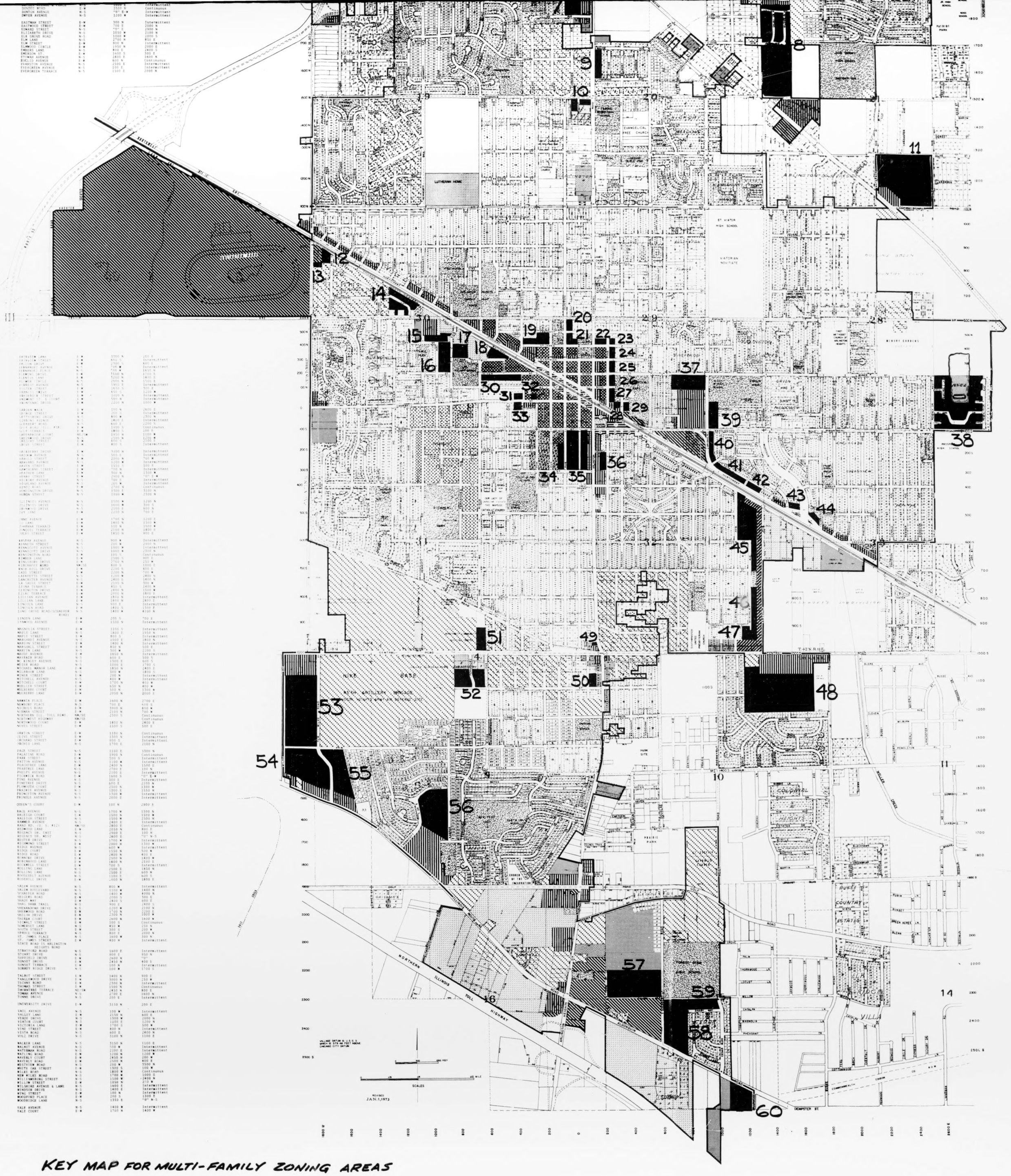
BANTA PARK
PHELPS-WATERMAN
BERKECKER PARK
WILSHIRE-STRATFORD-EASTMAN MINER
GREENBRIER PARK
VERDE-ROANOKE
DRYDEN PARK
700 S. DRYDEN PLACE
EVERGREEN PARK
DRIVE-GIBBONS-FORREST
GREENS PARK
OLIVE-DOUGLAS
WESTGATE PARK
REUTER ST., JAMES
RAVEN PARK
BERKLEY HIGHLAND
PRAIRIE PARK
BELMONT-DOUGLAS-FOSTER
J. D. PLENTIE PARK
MULBERRY-BIRCHWOOD

HASBROOK PARK
333 W. MAUDE STREET
HICKORY MEADOWS PARK
HICKORY-MARION
KLEHM PARK
HAWTHORNE-WILSHIRE
SOUTH PARK
SOUTH-GROVE-HIGHLAND-VAIL
VIRGINIA PARK
THOMAS-CHICAGO
VOLZ PARK
ST. JAMES-KENNICOTT
CAREFREE PARK
BELMONT-DOUGLAS
FOREST VIEW PARK
GOEBBERT-FALCON
PATRIOT PARK
1815 N. DALE AVENUE

CHICAGO & NORTHWESTERN RATEROAD DEPOT
NORTHWEST HIGHWAY BETWEEN EVERGREEN & DUNTON

STREET GUIDE

STREET NAME	DIRECTION	SITUATED	LOCATION
AGNES AVE. (SEE DOUGLAS)	N-S	600 E	1600 N
ALEXANDRIA ST.	E-W	2200 N	1100 W
ALGONQUIN RD. (ILL. R. #62)	NW/SE	2500 S	Continuous
ALLEGHANY DR.	E-W	2500 N	1100 W
ALLEN LANE	N-S	1600 W	550 S
ANNE CT.	N-S	2700 E	1450 N
APPLETREE LANE	E-W	2500 N	900 E
ARLINGTON HEIGHTS RD. (FORMERLY STATE RD.)	N-S	200 E	Continuous
ARTHUR AVENUE	N-S	1400 E	600 S
ARTHUR STREET	E-W	2800 N	"0" E
AVON LANE	E-W	1700 N	1900 E
BANBURY DRIVE	N-S	600 E	500 S
BEL AIRE DRIVE	E-W	"0" N-S	2800 E
BELMONT AVENUE	N-S	400 E	Intermittent
BERKLEY DRIVE	E-W	2800 N	400 W
BEST DRIVE	N-S	1500 E	3000 N
BEVERLY LANE	N-S	800 E	Intermittent
BIRCHWOOD LANE	N-S	2200 E	2100 N
BRADFORD DRIVE	N-S	750 E	2500 N
BRAESIDE DRIVE	E-W	2750 N	400 W
BRANDENBERRY COURT	E-W	1200 N	2400 E
BRIAR PLACE	E-W	2050 N	900 E
BRIARWOOD LANE	N-S	1200 E	2600 S
BRIGHTON PLACE	N-S	1100 E	Intermittent
BRISTOL LANE	N-S	600 E	500 S
BRITTANY DRIVE	E-W	2850 N	400 W
BROOK DRIVE	E-W	2600 S	600 E
BROOKWOOD DRIVE	E-W	2500 N	1000 E
BROWN STREET	E-W	1000 N	1600 W
BUFFALO GROVE ROAD	N-S	1400 E	1900 N
BURGUNDY ROAD	E-W	1300 N	1200 W
BURKE DRIVE	N-S	900 E	2100 N
BURNING TREE LANE	E-W	2900 N	600 W
BURR OAK DRIVE	E-W	2900 N	Intermittent
BURTON PLACE	N-S	500 E	Intermittent
BUSSE ROAD	N-S	1800 E	Intermittent
BUTTERNUT LANE	E-W	200 N	1500 W
CAMBRIDGE STREET	E-W	2200 N	1300 W
CAMP MC DONALD ROAD	E-W	1100 N	2600 E
CAMPBELL STREET	E-W	N-S Base	Intermittent
CAMPUS DRIVE	E-W	3100 N	300 W
CANTERBURY DRIVE	E-W	2650 N	"0"
CARLYLE PLACE	N-S	1300 E	Intermittent
CARRIAGE WAY DRIVE	N-S	900 E	3500 N
CATINO STREET	E-W	650 S	800 W
CEDAR STREET	E-W	1400 S	"0" E-W
CEDAR GLEN DRIVE	N-S	1000 E	2400 S
CENTER LANE	N-S	2100 E	1250 N
CENTRAL ROAD	E-W	1000 S	Continuous
CHAMPLAIN STREET	N-S	1000 W	2400 N
CHARLES STREET	E-W	1700 N	600 E
CHATHAM PLACE	N-S	1300 E	300 S
CHERRY HILL DRIVE	N-S	2000 N	1500 E
CHERRY LANE	E-W	2150 N	800 E
CHESTERFIELD DRIVE	N-S	1700 S	1700 W
CHESTNUT AVENUE	N-S	300 W	Intermittent
CHICAGO AVENUE	N-S	1600 W	Intermittent
CIRCLE HILL DRIVE	E-W	2150 N	400 E
CLARENCE AVENUE	N-S	1200 E	1800 N
CLARENDON AVE. & STREET	E-W	1200 N	Intermittent
CLEARBROOK DRIVE	N-S	700 E	2600 S
CLEVELAND AVENUE	N-S	1200 E	600 S
COLLEGE DRIVE	E-W	3000 N	"0"
CONCORD DRIVE	E-W	2400 N	1500 W
COTTONWOOD LANE	E-W	550 N	1300 W
COUNCIL TRAIL	E-W	1700 S	300 E
CRABTREE DRIVE	NW/SE	2450 N	1000 E
CRESTWOOD DRIVE	E-W	2200 N	700 E
CYPRESS STREET	E-W	1200 W-E	Intermittent
DALE AVENUE	N-S	2600 E	Intermittent
DANIELS COURT	N-S	800 E	3400 N
DAVIS STREET	NW/SE	100 S	Intermittent
DEMPSTER STREET	E-W	2600 S	1800 E
DERBYSHIRE LANE & AVE.	N-S	1200 E	Intermittent
DONALD AVENUE	N-S	2300 E	Intermittent
DOROTHY AVENUE	N-S	700 E	1750 N
DORSET STREET	E-W	1350 N	2700 E
DOUGLAS AVENUE	N-S	600 E	Intermittent
DOVER LANE	N-S	1825 N	1700 E
DRURY LANE	N-S	1500 E	Intermittent
DRYDEN AVENUE & PLACE	N-S	1000 E	Intermittent
DUNDEE ROAD	E-W	3500 N	Continuous
DUNTON AVENUE	N-S	"0" E-W	Intermittent
DWYER AVENUE	N-S	1200 W	Intermittent
EASTMAN STREET	E-W	300 N	Intermittent
EASTWOOD STREET	E-W	700 E	2000 N
EDWARD STREET	N-S	"0" E	2900 N
ELIZABETH DRIVE	N-S	1050 W	2100 N
ELK GROVE ROAD	N-S	1000 W	2000 S
ELM LANE	N-S	2700 N	850 E
ELM STREET	E-W	900 N	Intermittent
ELMWOOD CIRCLE	E-W	1950 N	2000 E
EMERS LANE	N-S	800 E	2400 S
EMERSON ST.	E-W	1600 S	300 E
ETOWAH AVENUE	N-S	2800 E	1600 N
EUCLID AVENUE	E-W	600 N	Continuous
EVANSTON AVENUE	N-S	2500 E	Intermittent
EVERGREEN AVENUE	N-S	100 E	Intermittent
EVERGREEN TERRACE	N-S	1500 E	2000 N



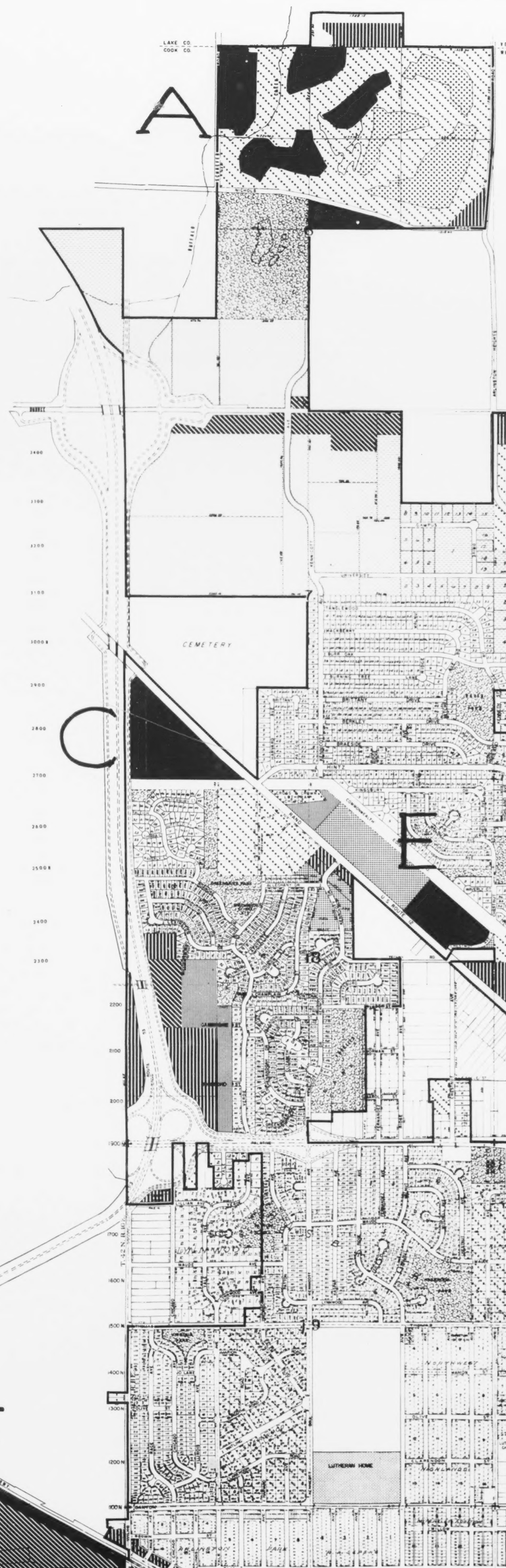
KEY MAP FOR MULTI-FAMILY ZONING AREAS IN ARLINGTON HEIGHTS, ILL.

Ex. 13

VILLAGE OF ARLINGTON HEIGHTS

COOK COUNTY, ILLINOIS.

ZONING MAP



ADOPTED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS, COUNTY OF COOK, STATE OF ILLINOIS, BY ORDINANCE THE 21st DAY OF DECEMBER 1959 WITH AMENDMENTS AND MAP REVISIONS UP TO AND INCLUDING JANUARY 1, 1973

SYMBOL		PERMISSIVE USE
	R-1	ONE-FAMILY DWELLING DISTRICT
	R-2	ONE-FAMILY DWELLING DISTRICT
	R-3	ONE FAMILY DWELLING DISTRICT
	R-4	TWO FAMILY DWELLING DISTRICT
	R-5	MULTIPLE-FAMILY DWELLING DISTRICT
	R-6	MULTIPLE-FAMILY DWELLING DISTRICT *
	I	INSTITUTIONAL DISTRICT
	B-1	BUSINESS DISTRICT LIMITED RETAIL
	B-2	GENERAL BUSINESS DISTRICT

SYMBOL		PERMISSIVE USE
	B-3	GENERAL SERVICE WHOLESALE & MOTOR VEHICLE DISTRICT
	B-4	LIMITED SERVICE DISTRICT
	B-5	CENTRAL BUSINESS DISTRICT
	O-R	OFFICE & RESEARCH DISTRICT
P	P	OFF STREET PARKING DISTRICT
	M-1	LIMITED MANUFACTURING DISTRICT
	M-2	CONDITIONAL MANUFACTURING DISTRICT
	M-1A	RESEARCH DEVELOPM'T AND MANUFACTURING DISTRICT
		SCHOOLS, PARKS AND OTHER PUBLIC USES

* REFER TO SECTION 11.7-2 OF THE ZONING REGULATIONS FOR "R-6" LOT AREA PER DWELLING UNIT BY LOCATION.

VILLAGE OF ARLINGTON HEIGHTS

MUNICIPAL BUILDING
33 S. ARLINGTON HTS. RD.

POLICE DEPARTMENT
33 S. ARLINGTON HTS. RD.

PUBLIC LIBRARY
500 N. DUNTON AVE.

FIRE STATIONS
33 S. ARLINGTON HTS. RD.
2000 S. ARLINGTON HTS. RD.
709 N. ARLINGTON HTS. RD.
3030 N. ARLINGTON HTS. RD.

MUNICIPAL GARAGE
410 N. RIDGE AVENUE

U. S. POST OFFICE
205 W. EUCLID AVENUE

CHURCHES

CROSS & CROWN LUTHERAN CHURCH
1122 W. RAND ROAD
EVANGELICAL FREE CHURCH
1214 N. BELMONT AVENUE
ARLINGTON COUNTRYSIDE CHAPEL
916 E. HINTZ ROAD
CONGREGATIONAL CHURCH OF A. H.
1910 W. KIRCHOFF ROAD
CHRISTIAN CHURCH OF A. H.
333 W. THOMAS STREET
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
2055 S. WINDSOR DRIVE
FAITH EVANGELICAL LUTHERAN
431 S. ARLINGTON HTS. RD.
FIRST PRESBYTERIAN CHURCH OF A.H.
101 S. DUNTON AVENUE
FIRST BAPTIST CHURCH
1231 W. CAMPBELL STREET
ST. JAMES CATHOLIC CHURCH
821 N. ARLINGTON HTS. RD.
ST. CECELIA'S CATHOLIC CHURCH
1818 S. MEIER ROAD

FIRST METHODIST CHURCH OF A. H.
1905 E. EUCLID AVENUE
FIRST CHURCH OF CHRIST SCIENTIST
401 S. EVERGREEN AVENUE
LUTHERAN CHURCH OF THE CROSS
2177 S. GILBERT ROAD
OUR SAVIOR'S EVANGELICAL LUTHERAN
1234 W. ARLINGTON HTS. RD.
OUR LADY OF THE WAYSIDE CATHOLIC
432 S. MITCHELL AVENUE
CHURCH OF THE INCARNATION
330 W. GOLF ROAD
SOUTHMINSTER UNITED PRESBYTERIAN
916 E. CENTRAL ROAD
ST. EDNA'S CATHOLIC CHURCH
2525 N. ARLINGTON HTS. RD.
ST. JOHN UNITED CHURCH OF CHRIST
514 N. EVERGREEN AVENUE
ST. PETER LUTHERAN CHURCH
111 W. OLIVE STREET
ST. SIMON'S EPISCOPAL CHURCH
717 W. KIRCHOFF ROAD
UNITY NORTHWEST CHURCH
1801 E. PALATINE ROAD

PUBLIC SCHOOLS

A. H. TOWNSHIP HIGH SCHOOL
302 W. EUCLID AVENUE
BERKLEY SCHOOL
501 S. BELMONT AVENUE
FOREST VIEW HIGH SCHOOL
2121 S. GILBERT ROAD
JOHN HERSEY HIGH SCHOOL
1900 E. THOMAS STREET
PROSPECT HIGH SCHOOL
401 E. KENSINGTON ROAD
MAC ARTHUR JR. HIGH SCHOOL
1700 N. SCHOENBECK RD.
MINER JR. HIGH SCHOOL
3101 E. MINER STREET
SOUTH JR. HIGH SCHOOL
514 S. HIGHLAND AVENUE
THOMAS JR. HIGH SCHOOL
1051 E. THOMAS STREET
KANE JR. HIGH SCHOOL
1550 N. ARLINGTON HTS. RD.
DRYDEN SCHOOL
722 S. DRYDEN AVENUE
PATTON SCHOOL
1616 N. PATTON AVENUE
RIDGE SCHOOL
410 N. FERNANDEZ AVENUE
ROSS SCHOOL
700 N. SCHOENBECK RD., P.H.
JAMES WHITCOMB RILEY SCHOOL
2905 N. WINDSOR DRIVE

SULLIVAN SCHOOL
700 N. SCHOENBECK RD., P.H.
DUNTON SCHOOL
1220 S. DUNTON AVENUE
GREENBRIER SCHOOL
2330 N. VERDE DRIVE
IVY HILL SCHOOL
2211 N. BURKE DRIVE
DWYER SCHOOL
500 S. DWYER AVENUE
JULIETTE LOW SCHOOL
1530 S. HIGHLAND AVENUE
KENSINGTON SCHOOL
201 S. EVANSTON AVENUE
NORTH SCHOOL
410 N. ARLINGTON HTS. RD.
OLIVE SCHOOL
505 E. OLIVE STREET
EDGAR ALLAN POE SCHOOL
2600 N. HIGHLAND AVENUE
PARK SCHOOL
306 W. PARK STREET
WESTGATE SCHOOL
1231 W. GROVE STREET
WILSON SCHOOL
151 E. PALATINE ROAD
WINDSOR SCHOOL
1515 E. MINER STREET

PAROCHIAL SCHOOLS

ST. JAMES CATHOLIC SCHOOL
821 N. ARLINGTON HTS. RD.
ST. JAMES JR. HIGH SCHOOL
800 S. ARLINGTON HTS. RD.
ST. PETER LUTHERAN SCHOOL
111 W. OLIVE STREET
ST. VIATOR'S HIGH SCHOOL
1213 E. DARTON STREET

OUR LADY OF THE WAYSIDE SCHOOL
432 S. MITCHELL AVENUE
OUR LADY OF THE WAYSIDE JR. HIGH
435 S. RIDGE AVENUE
VIATORIAN NOVITIATE
1212 E. EUCLID AVENUE

HOSPITAL
NORTHWEST COMMUNITY HOSPITAL
800 W. CENTRAL ROAD

U. S. ARMY HEADQUARTERS
56TH ARTILLERY BRIGADE
WILKE & CENTRAL ROAD

ARLINGTON PARK

ARLINGTON PARK TOWERS
1400 W. EUCLID AVENUE
ARLINGTON PARK RACE TRACK
2200 W. EUCLID AVENUE

ARLINGTON PARK THEATRE
1400 W. EUCLID AVENUE

PARKS

*45 MEMORIAL PARK
FREMONT & MELBOURNE AVENUES

FIELD HOUSES & SWIMMING POOLS

RECREATION PARK
500 E. MINER STREET
FRONTIER PARK
1055 N. KENSICOTT DRIVE
OLYMPIC PARK & POOL
660 N. RIDGE AVENUE

PIONEER PARK
500 N. FERNANDEZ AVENUE
HERITAGE PARK
506 W. VICTORIA LANE
CAMELOT PARK
1005 E. SUFFIELD DRIVE

PLAYGROUND APPARATUS

ANITA PARK
PHELPS WATERMAN
BERDELEEN PARK
*BELMORE-STRATFORD-EASTMAN MINER
GREENBRIER PARK
VERDE-RIVANNO
DUNTON PARK
700 S. DRYDEN PLACE
EVERGREEN PARK
GROVE-GERMONS-FORREST
GREENS PARK
OLIVE-DOUGLAS
*HESTGATE PARK
HUNTER-ST. JAMES
RAVEN PARK
BERKLEY-HIGHLAND
PRAIRIE PARK
BELMONT-DOUGLAS-FOSTER
J. D. ELENTLE PARK
MULBERRY-STRATFORD

HASBROOK PARK
333 W. MAUDE STREET
HICKORY MEADOWS PARK
HICKORY-MARTIN
KLEHM PARK
HAWTHORNE-WILSHIRE
SOUTH PARK
SOUTH GROVE-HIGHLAND VALE
VIRGINIA PARK
THOMAS-CHICAGO
VOLZ PARK
ST. JAMES-KENSICOTT
CAREFREE PARK
BELMONT-DOUGLAS
FOREST VIEW PARK
GILBERT-FALCON
PATRIOT PARK
1815 N. DALE AVENUE

CHICAGO & NORTHWESTERN RAILROAD DEPOT
NORTHWEST HIGHWAY BETWEEN EVERGREEN & DUNTON

STREET GUIDE

STREET NAME	DIRECTION	SITUATED	LOCATION
ADAMS AVE. (SEE DOUGLAS)	N-S	600 E.	1600 N
ALEXANDRIA ST.	E-W	2200 N	1100 W
ALGONQUIN RD. (ILL. R*62)	NW-SE	2300 N	Continuous
ALLEGHANY DR.	E-W	2500 N	1100 W
ALLEN LANE	N-S	1600 W	550 S
ANNE ST.	N-S	2700 E	1450 N
APPLETREE LANE	E-W	2500 N	900 E
ARLINGTON HEIGHTS RD. (FORMERLY STATE RD.)	N-S	200 E	Continuous
ARTHUR AVENUE	N-S	1400 E	600 S
ARTHUR STREET	E-W	2800 N	"0" E
AVON LANE	E-W	1700 N	1900 E
BANBURY DRIVE	N-S	800 E	500 S
BEL AIRE DRIVE	E-W	"0" N-S	2800 E
BELMONT AVENUE	N-S	400 E	Intermittent
BERKLEY DRIVE	E-W	2600 N	800 W
BEST DRIVE	N-S	3500 E	3000 N
BEVERLY LANE	N-S	800 E	Intermittent
BIRCHWOOD LANE	N-S	2200 E	2100 N
BRADFORD DRIVE	N-S	750 E	2500 N
BRAESIDE DRIVE	E-W	2750 N	800 W
BRANDYBERRY COURT	E-W	1200 N	2400 E
BREAK PLACE	E-W	2050 N	900 E
BRIARWOOD LANE	N-S	1200 E	2600 N
BRIGHTON PLACE	N-S	2100 E	Intermittent
BRISTOL LANE	N-S	600 E	500 S
BRITTANY DRIVE	E-W	2450 N	400 W
BROOK DRIVE	E-W	2600 N	600 E
BROOKWOOD DRIVE	E-W	2500 N	1000 E
BROWN STREET	E-W	1050 N	1000 W
BUFFALO GROVE ROAD	N-S	1400 E	1900 N
BURGUNDY ROAD	E-W	1500 N	1200 W
BURKE DRIVE	N-S	900 E	2100 N
BURNING TREE LANE	E-W	2900 N	600 W
BURR OAK DRIVE	E-W	2200 N	Intermittent
BURTON PLACE	N-S	500 E	Intermittent
BUSSE ROAD	N-S	1800 E	Intermittent
BUTTERNUT LANE	E-W	200 N	1700 W
CAMBRIDGE STREET	E-W	2200 N	1700 W
CAMP MC DONALD ROAD	E-W	3100 N	2600 E
CAMPBELL STREET	E-W	N-S Base	Intermittent
CAMPUS DRIVE	E-W	3250 N	500 W
CANTERBURY DRIVE	E-W	2650 N	"0"
CARLYLE PLACE	N-S	1300 E	Intermittent
CARRIAGE WAY DRIVE	N-S	3000 E	3500 N
CATINO STREET	E-W	650 S	800 W
CEDAR STREET	E-W	1400 N	"0" E-W
CEDAR GLEN DRIVE	N-S	1000 E	2400 S
CENTER LANE	N-S	2100 E	1250 S
CENTRAL ROAD	E-W	1300 N	Continuous
CHAMPLAIN STREET	N-S	1000 W	2400 N
CHARLES STREET	N-S	1700 N	600 E
CHATHAM PLACE	N-S	1500 E	500 S
CHERRY HILL DRIVE	N-S	2000 N	1500 E
CHERRY LANE	E-W	2150 N	800 E
CHESTERFIELD DRIVE	N-S	2100 E	1750 S
CHESTNUT AVENUE	N-S	300 N	Intermittent
CHICAGO AVENUE	N-S	1600 W	Intermittent
CIRCLE HILL DRIVE	N-S	2100 E	2150 N
CLARENCE AVENUE	N-S	1200 E	1800 N
CLARENDON AVE. & STREET	N-S	1200 N	Intermittent
CLEARBROOK DRIVE	E-W	2600 N	2600 E
CLEVELAND AVENUE	N-S	1200 E	600 S
COLLEGE DRIVE	E-W	2000 N	"0"
CONCORD DRIVE	N-S	1400 N	1500 W
COTTONWOOD LANE	E-W	350 N	1300 W
COUNCIL TRAIL	E-W	1300 N	600 E
CRABTREE DRIVE	NW-SE	1450 N	1900 E
CRESTWOOD DRIVE	E-W	2200 N	700 E
CYPRESS STREET	E-W	1200 N	Intermittent
DALE AVENUE	N-S	2600 E	Intermittent
DANEEN COURT	N-S	800 E	1400 N
DAVIS STREET	NW-SE	100 S	Intermittent
DEMPSTER STREET	E-W	3800 N	Intermittent
DERBYSHIRE LANE & AVE.	N-S	1200 E	Intermittent
DONALD AVENUE	N-S	2500 E	Intermittent
DOROTHY AVENUE	N-S	1750 N	2500 E
DORSET STREET	E-W	1550 N	2700 E
DOUGLAS AVENUE	N-S	600 E	Intermittent
DOVER LANE	N-S	1825 N	1700 E
DRURY LANE	N-S	1300 E	Intermittent
DRYDEN AVENUE & PLACE	N-S	1000 E	Intermittent
DUNDEE ROAD	E-W	3500 N	Continuous
DUNTON AVENUE	N-S	"0" E-W	Intermittent
DWYER AVENUE	N-S	1200 E	Intermittent
EASTMAN STREET	E-W	300 N	Intermittent
EASTWOOD STREET	E-W	2000 N	2000 W
EDWARD STREET	N-S	"0" E	2900 N
ELIZABETH DRIVE	E-W	2700 N	2100 W
ELK GROVE ROAD	N-S	3700 N	2000 S
ELM LANE	N-S	1100 N	850 E
ELM STREET	E-W	900 N	Intermittent
ELMWOOD CIRCLE	E-W	1950 N	2000 E
EMBERS LANE	N-S	800 E	2400 S
EMERSON ST.	E-W	2600 N	300 E
ETHNAN AVENUE	N-S	2800 E	1600 N
EUCLID AVENUE	E-W	600 N	Continuous
EVANSTON AVENUE	N-S	2500 E	Intermittent
EVERGREEN AVENUE	N-S	100 E	Intermittent
EVERGREEN TERRACE	N-S	1500 E	2000 N

LAND ZONED BUT NOT DEVELOPED FOR MULTI-FAMILY HOUSING DURING MHDC HEARINGS. (1971)

A - 3 Lakes Project	712	Units
B - Frenchmans Cove	450	"
C - Randhaven	344	"
D - Northgate M. F.	1,000	"
E - Stonebridge Hill	195	"
F - Arlington Park Property	3,500	"
G - Colleto's Apartments	15	"
H - Sommerset + Miner	99	"
J - Central City High Density	1,000 +	"
K - McKinley Ave. M. F. Area	64	"
L - Surrey Ridge Park	432	"
M - Surrey Ridge West	255	"
N - Briarwood Algonquin	180	"
O - Gatehouse Apt.	837	"
Total	9,073	"

-- 0 --

Existing M. F. Units at the end of 1970 - ~~4,855~~ 5,239

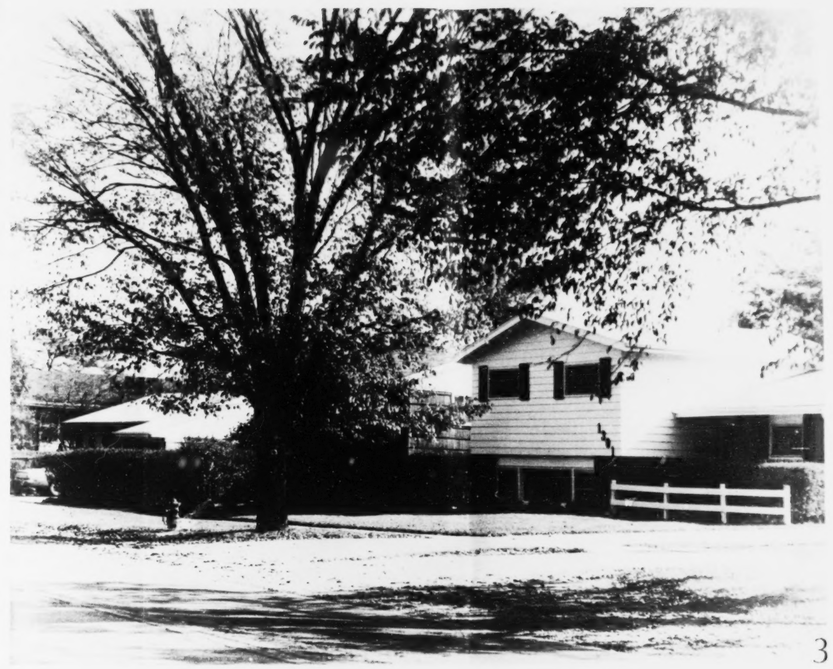
Existing M. F. Units and possible M. F. Units in Land Zoned R-5 -- 9,073 + ~~4,855~~ 5,239 = ~~13,928~~ 14,212

LAND ZONED BUT NOT DEVELOPED FOR

MULTI-FAMILY HOUSING DURING M.H.D.C. HEARINGS

1

2



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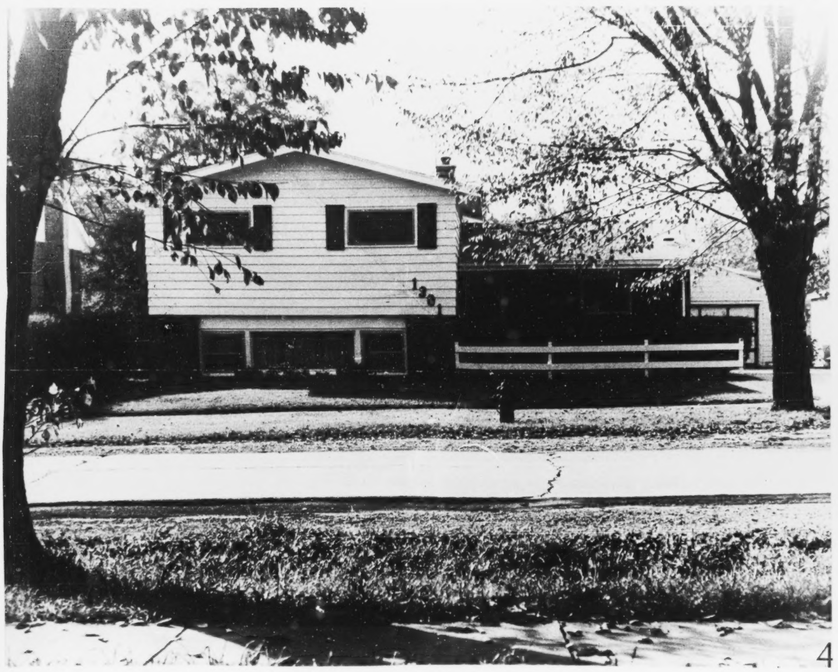

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14

17

F3

SOUTH SIDE OF EUCLID AVENUE

DEFENDANT'S EXHIBIT NO. 14

5

6

7

8

9

10

WEST SIDE OF DRURY LANE

F4

122

DEFENDANT'S EXHIBIT NO. 14

11

12

13

WEST SIDE OF DRURY LANE

15

16

WEST SIDE OF DRYDEN AVENUE

DEFENDANT'S EXHIBIT NO. 14